Cornelius E. Donovan, to be postmaster at Waterloo, in the county of Jefferson and State of Wisconsin, in place of Cornelius E. Donovan. Incumbent's commission expired May 10, 1902.

Byron H. Sanford, to be postmaster at Sheboygan Falls, in the county of Sheboygan and State of Wisconsin, in place of Byron H. Sanford. Incumbent's commission expires February 13, 1903.

Charles H. Maynard, to be postmaster at Sheboygan, in the county of Sheboygan and State of Wisconsin, in place of Charles H. Maynard. Incumbent's commission expires February 15, 1903.

Fred M. Griswold, to be postmaster at Lakemills, in the county of Jefferson and State of Wisconsin, in place of Fred M. Griswold. Incumbent's commission expires February 15, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 2, 1903.

DIRECTOR OF THE MINT.

George E. Roberts, of Iowa, to be Director of the Mint.

CONSUL.

James W. Ragsdale, of California, now consul at that place, to be consul-general of the United States at Tientsin, China.

POSTMASTERS.

KENTUCKY.

John S. Miller, to be postmaster at Greenville, in the county of Muhlenberg and State of Kentucky.

MICHIGAN.

Joseph Wise, to be postmaster at Southlake Linden, in the county of Houghton and State of Michigan. Office became Presidential July 1, 1902.

Robert B. Ferris, to be postmaster at Burr Oak, in the county of St. Joseph and State of Michigan.

James K. Train, to be postmaster at Edmore, in the county of Montcalm and State of Michigan.

Lafayette C. Hall, to be postmaster at Plymouth, in the county of Wayne and State of Michigan.

John Hanna, to be postmaster at Birmingham, in the county of Oakland and State of Michigan.

Newton E. Tower, to be postmaster at Union City, in the county of Branch and State of Michigan.

Charles M. Cole, to be postmaster at Atlantic Mine, in the county of Houghton and State of Michigan.

James W. Bedell, to be postmaster at Wakefield, in the county of Gogebic and State of Michigan.

Herbert E. Lindsey, to be postmaster at Clinton, in the county of Lenawee and State of Michigan.

Charles W. Pullen, to be postmaster at Milan, in the county of Washtenaw and State of Michigan.

Benjamin F. Oakes, to be postmaster at East Tawas, in the county of Iosco and State of Michigan.

John F. Chisholm, to be postmaster at Grand Marais, in the county of Alger and State of Michigan.

Leonard W. Feighner, to be postmaster at Nashville, in the county of Barry and State of Michigan.

OHIO.

Charles W. Brainerd, to be postmaster at Mantua Station, in the county of Portage and State of Ohio.

Wesley J. Grant, to be postmaster at Middlefield, in the county of Geauga and State of Ohio.

John W. Ammerman, to be postmaster at Eaton, in the county of Preble and State of Ohio.

Joseph C. Bender, to be postmaster at National Military Home, in the county of Montgomery and State of Ohio.

W. E. Moulton, to be postmaster at Canal Fulton, in the county of Stark and State of Ohio.

WASHINGTON.

Dan W. Bush, to be postmaster at Chehalis, in the county of Lewis and State of Washington.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 2, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON, by direction of the Committee on Appropriations, reported the bill (H. R. 17202) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes; which was ordered printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee reserved all points of order on the bill.

Mr. CANNON. Mr. Speaker, I desire to give notice that as early as practicable I shall call the bill up for consideration.

SEPARATION OF PUBLIC AND PRIVATE LANDS.

Mr. BATES moved to suspend the rules and pass the bill (H. R. 15008) providing for the better separation and utilization of public and private lands within the limits of railroad land grants in the arid region, with amendments.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the following bill, with amendments, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That wherever and to the extent that the lands within the place limits of any railroad and wagon road land grant are arid or semiarid in character, and for that reason can not be utilized in tracts of single sections, the Secretary of the Interior is hereby authorized, in his discretion and with the approval of the President, to exchange public lands which are vacant, unappropriated, arid or semiarid, not mineral, not timbered, and not required for reservoir sites or other public uses or purposes, for private lands of like area, character, and value in the alternate sections granted to the railroad or wagon road company, so far as may be necessary to assemble such public and private lands, according to ownership, in more compact bodies of such area as will permit them to be advantageously used. Every exchange hereunder shall be confined to lands withing the place limits of the railroad or wagon road land grant, and the public lands so exchanged must be of such relative contiguity to the private lands surrendered to the Government that the area of taxable lands in any State, Territory, or county will not be diminished. The railroad or wagon road company or its grantee must, at its expense and by appropriate instruments of conveyance, surrender to the Government a full and unincumbered right and title to the private lands included in any exchange before patents are issued for the public lands included therein, and no charge of any kind shall be made for issuing such patents. Upon the completion of any exchange the land surrendered to the Government therein shall become a part of the public domain. Nothing herein shall in any manner be so construed as to enlarge the quantity of land to which any railroad or wagon road company or any of its grantees may be entitled under existing law.

Amend the title so as to read: "A bill providing for the better separation and utilization of public and private lands within the limits of railroad and wagon road land grants in the arid region."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The chair hears none.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the gentleman from Washington [Mr. JONES] submitted the views of the minority, and if he demands a second, I yield to him for that purpose.

The SPEAKER. A second has been ordered. Does the Chair understand the gentleman from Tennessee yields to the gentleman from Washington?

Mr. RICHARDSON of Tennessee. Does the gentleman from Washington desire to control the time against the bill?

Mr. JONES of Washington. I would like to.

Mr. RICHARDSON of Tennessee. Very well; I yield to the gentleman.

The SPEAKER. The gentleman from Washington will be recognized. The gentleman from Pennsylvania [Mr. BATES] is recognized for twenty minutes.

Mr. BATES. Mr. Speaker, this is a Department measure, recommended and urged by the Secretary of the Interior, approved by the Committee on Public Lands by an almost unanimous report. It deals only with arid lands in the range regions of the West. It does not apply to timbered land, nor mineral lands, nor lands reserved by the Government for reservoirs or other purposes. The bill provides that in the discretion of the Secretary of the Interior and the approval of the President of the United States certain lands, arid or semiarid in character, nonmineral, nontimbered, may be exchanged for public lands of equal value within the same place limits, exchanges to be limited to the same counties, so that the area or taxable value of the land shall not be either appreciated or diminished.

The pith of the whole matter is that land of this character, by reason of its aridity, is practically useless and worthless in isolated single sections. It takes from 40 to 50 acres of land affected by this bill to support a single head of stock. The streams in this section in the dry season are in many instances miles apart—in some instances 20 to 25 miles—so that the food question and the water question with the cattle dealers and the ranch men makes a single section of this land absolutely worthless and useless for present purposes or present use. In other words, the stock industry requires a large range. Under the existing situation there has been clashing and interference between the bona fide owners of these granted lands and those who claim the right of roaming pasturage over the public lands. The fence laws have created a great deal of disturbance.

Under the present law and under the decisions of the court the owner of private lands can not fence in his own holdings if thereby he incloses any of the public lands. This has made friction. It has made contention and strife, and in some instances

has caused bloodshed between those who hold private land and those who claim the right of pasturage over the public domain. Experience shows—and I will leave it to anyone in this House who has made even a cursory examination of the question—that when the Government is in partnership with individuals the Government always gets the worst of it. This bill is intended to dissolve that partnership—to divorce the holdings of private owners and those who have the use, under the general custom, of the public domain. An objection will be made, no doubt, that this land ought to be left in single sections—not assembled, but left in single sections in the interests of the homesteader. I submit, Mr. Speaker, that land will always yield to its highest usefulness. If any of this land should in the future, either immediate or remote, be found capable of raising crops, be found fit for agricultural purposes, it could no longer be held for stock-grazing purposes, because this higher use will always call it into requisition.

This land at present is fit only for grazing, and it can only be used for that, and these owners will not be able to use it for grazing unless they can assemble their holdings so that a sufficient amount of land can be combined together for water purposes and for grazing purposes.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me to ask him a question?

Mr. BATES. Certainly.

Mr. RICHARDSON of Tennessee. Kindly tell us how many acres of land will be affected by this bill.

Mr. BATES. The land affected by this bill is the nonarable, the arid, or semiarid lands of the land-grant district. I am unable to tell the gentleman how many acres will be affected.

Mr. RICHARDSON of Tennessee. Is there any way of estimating how much?

Mr. LACEY. I will answer that question for the gentleman. There are about 17,000,000 acres of the land grants unsold. A portion of that is timber land. Out of this 17,000,000 only that portion which is useful for grazing purposes would be embraced in this proposition, and no more.

Mr. RICHARDSON of Tennessee. Is it five, ten, or fifteen million acres?

Mr. LACEY. I should think probably half of it. That would be a rough estimate.

Mr. ROBINSON of Indiana. Will the gentleman include in the estimate of 17,000,000 the 12,000,000 in Arizona and New Mexico?

Mr. LACEY. It is only the unsold railroad land grants.

Mr. ROBINSON of Indiana. That would make it nearly 30,000,000 acres of land. I will ask the gentleman from Pennsylvania if this proposition is not to change from alternate sections in the land grants to the railroads to a consolidation of the interests of those roads?

Mr. BATES. No, sir. It only affects the arid lands. I ask every member of this House, before voting upon this proposition, to bear in mind that it only affects the arid lands or semiarid lands. The lands granted to the railroad companies of the West were arable in the Eastern and Middle Western States. It has no relation to such land, but only affects the arid and semiarid lands that are only fit for grazing purposes.

Mr. ROBINSON of Indiana. Does not this bill give the railroad companies the power of selection?

Mr. BATES. Mr. Speaker, the exchange, if any should be affected under the operation of this bill, is in the discretion of the Secretary of the Interior, with the approval of the President. And the bill directly states that the exchanges would be between lands of equal value; and the gentleman knows full well that the value of lands depends upon their location as well as upon the condition of the soil.

Mr. MONDELL. Will the gentleman yield to me? I desire to make a parliamentary inquiry at this time, if the gentleman will yield for just a moment. Mr. Speaker, I note in the report——

Mr. BATES. I yield two minutes to the gentleman from Wyoming.

Mr. MONDELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. I notice the report of the committee contains the following amendment, which is not contained in the bill as printed. In line 3 of section 1, after the word "that," insert the following, namely, "at any time within five years after the approval of this act, and." I wish to inquire if the report in this case would govern or the print of the bill as now before the House? This is one of several committee amendments. The other committee amendments are all printed in the bill, but by some inadvertence or error this amendment is not in the bill as now before the House.

The SPEAKER. The motion of the gentleman from Pennsylvania would carry with it the amendments reported by the committee—agreed to by the committee. The best evidence that the House could have before it is the report of the committee, and unless it is admitted this was a part of the report, the Chair does not see how it would be safe to say that the report of the committee contains the language.

Mr. MONDELL. This is a part of the report of the committee, and is simply not printed in the bill.

The SPEAKER. There is no question but what the amendment would be carried by the motion of the gentleman from Pennsylvania, but the Clerk will report the amendment.

The Clerk read as follows:

In line 3, page 1——

Mr. BATES. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. BATES. I reserve the balance of my time.

The SPEAKER. The gentleman will suspend until the Clerk reports the amendment.

The Clerk read as follows:

In line 3 of section 1, after the word "that," insert the following, namely, "at any time within five years after the approval of this act, and."

The SPEAKER. The gentleman from Iowa. How much time does the gentleman yield?

Mr. BATES. I yielded to the gentleman from Wyoming for a parliamentary inquiry.

The SPEAKER. How much time?

Mr. BATES. Two minutes.

Mr. MONDELL. I merely made the parliamentary inquiry.

Mr. BATES. I think I will reserve the balance of my time.

The SPEAKER. The gentleman from Washington is recognized for twenty minutes.

Mr. JONES of Washington. Mr. Speaker, I have sometimes thought that the rules of this House ought to be changed, but when measures of this character come up in this way I think they ought to be enforced as strictly as possible. Whatever may be the merits or demerits of this bill, it is not a bill that ought to come up under the suspension of the rules, when only twenty minutes of debate can be allowed and no amendments can be made. This is a measure that I consider of very great importance. It involves the disposition of an immense amount of the public domain. The question was asked a while ago how much land this bill involved, and it was stated that the land grant unsold amounted to 17,000,000 acres. Why, gentlemen of this House, the land grant of the Northern Pacific Railroad alone, unsold, amounts to over 17,000,000 acres, according to their annual report of 1902.

Mr. BATES. May I interrupt the gentleman?

The SPEAKER. Does the gentleman from Washington yield to the gentleman from Pennsylvania?

Mr. JONES of Washington. Yes.

Mr. BATES. Is the gentleman from Washington possessed of information as to how much of that land is arid and semiarid and would be affected by this bill?

Mr. JONES of Washington. I will come to that a little later. The question was asked how much land remained unsold, and it was stated that there are 17,000,000 acres. Now, there are 17,000,000 acres in the Northern Pacific grant, alone, unsold; an immense tract belonging to the Union Pacific, and an immense tract belonging to the Southern Pacific. The whole amount of land, in grants, involved in this bill is from fifty to sixty and it may be seventy-five millions of acres—no man can tell. The friends of this bill can not tell; they do not know how much is involved.

Mr. STEPHENS of Texas. There are 15,000,000 acres in New Mexico alone.

Mr. JONES of Washington. Yes.

Mr. LACEY. I want to say to the gentleman from Washington that when called upon to give the figures I gave them from the report of the minority, as it footed it up, 17,000,000 acres, but I find that that was a mistake.

Mr. JONES of Washington. Yes; that is the Northern Pacific alone. It seems, Mr. Speaker, that the majority themselves never figured this up to see how much it involves. They do not know how many acres of the public domain are affected by this bill. It is true that it applies to only the semiarid and arid lands, but no man can tell how much land is arid and semiarid. A great proportion of the unsold grant of the Northern Pacific Railroad is arid and semiarid land. Now, how much is involved under the Southern Pacific, how much is involved under the Union Pacific, I do not know. But I do say, gentlemen, that this is a proposition presented to the members of this House that involves almost one-fifth of the public domain of the United States, and we are asked to pass upon it in a twenty-minute debate on a side. I say, if for no other reason, this proposition to suspend the rules and consider this bill ought to be voted down.

It is surprising, gentlemen, to see the forces behind this bill. The gentleman from Pennsylvania [Mr. BATES] who has no arid lands in his State, who has no land grants to railroads in his State,

is pushing this bill. Why? I do not question his motive. He is representing the interests of some of his constituents who have holdings that will be affected. I received a letter from a gentleman in Pennsylvania a few days ago urging the passage of this bill. Why? Because he has four or five hundred thousand acres of land in Montana that he bought from the railroad company, knowing the condition, knowing the checker-board plan, and now he wants the Government to come in and help him to get his land together in one body so he can use it to better advantage. The only purpose in this bill is that those who own thousands and hundreds of thousands of acres in this country, within railroad grants, who purchased those lands knowing their situation, knowing their circumstances, knowing the relation they had to the public lands, now come to the Government and want us at the Government expense, upon the investigation by Government agents, to pass legislation for their sole benefit, and not for the benefit of the Government.

Oh, our friends say, pass this bill and the public lands will be put into a compact body, and that will help the Government by inducing settlement.

Now, if a section of land to-day is of no benefit to a settler under the present conditions, how can it be when it is segregated? Remember that the settler to-day, after the passage of this bill, can only take 160 acres as a homestead. If 160 acres on one side of a section to-day will not support a family, how will it when placed in any other part of the public domain? Now, what lands under this bill will be surrendered? The poorest lands, of course. What lands will they select? Why, the very best lands they possibly can, of course. How can this help the Government? How will it encourage settlement? It would not.

Mr. TAWNEY. Will the gentleman allow an interruption?

Mr. JONES of Washington. Certainly.

Mr. TAWNEY. Does this bill apply to any land outside of the 6 miles on each side of the railroad?

Mr. JONES of Washington. Twenty miles on each side of the road. It does not apply outside the limits of the grants. Oh, but they say the selection must have the approval of the President of the United States and the Secretary. What does that amount to, gentlemen? No man has more confidence in the President of the United States and the Secretary of the Interior than I have, but do you propose that they shall go and examine these tracts of land? Certainly not. They must take the representation of their subordinates and their agents. Every patent issued to-day is issued with the approval of the President of the United States and the Secretary of the Interior, and yet the report of the Secretary of the Interior bristles with charges of frauds against the public-land laws and the procuring of patents to the public domain. They must depend upon the reports and examinations of subordinate officers.

And we know how easy it is for a person to get a report from a subordinate officer. Suppose the gentleman from Pennsylvania should go into the arid and semiarid region and examine the lands proposed to be surrendered and those to be selected. He would probably report them as being of comparatively little value. Yet, within a year or five years these tracts of land may be of very great value. I know that in the State of Washington—I speak more from my own knowledge of conditions in that State than from any knowledge as to conditions in other States—I say that in the State of Washington lands within the grant of the Northern Pacific Railroad which five years ago sold for 50 cents an acre are to-day selling at $10, $12, and $15 an acre, and are producing from 35 to 40 bushels of wheat to an acre. At that time they would have been considered as arid lands. We do not know what this arid and semiarid land may prove to be worth. Arid or semiarid to-day, it may be very valuable and productive next year.

What does it mean to pass this bill? It means to entail upon the Department of the Interior an immense expense. The Commissioner of the Land Office recommends this year an increased appropriation of $100,000 for special agents. The Department has not sufficient force at its command to investigate the condition of things as they are now. Yet this bill proposes that an investigation of these millions of acres of land must be done by the Government at the Government's expense for the benefit of these private holders. That means thousands and thousands of special agents to be paid out of the Treasury of the United States. Gentlemen, this is a bill which ought not to pass under any circumstances, much less under a suspension of the rules.

Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. KLEBERG], and reserve the balance of my time.

The SPEAKER. The gentleman from Washington [Mr. JONES] has ten minutes remaining.

Mr. KLEBERG. Mr. Speaker, as a member of the Committee on the Public Lands, I wish to say to this side of the House, although this is not at all a political question, that this is a thoroughly bad bill, and that every Democrat ought to vote against it. It is a squandering of the public lands for no other reason than to further some private interest. It has no purpose whatever except to advance the private interests of men who want to concentrate their lands at the expense of the Government. I hope that every Democrat will vote against the bill.

Mr. JONES of Washington. Mr. Speaker, I yield three minutes to the gentleman from Colorado [Mr. SHAFROTH].

[Mr. SHAFROTH addressed the House. See Appendix.]

Mr. JONES of Washington. Mr. Speaker, I want to call attention to the statement made by the gentleman from Pennsylvania [Mr. BATES] in regard to the number of members of the committee joining in this report, a statement in which I believe he was mistaken. The number of members in attendance in the committee when this bill was passed was nine or ten, and the committee stood 5 to 4 or 6 to 4, I am not positive as to exact number. Other members who were not in attendance have announced their opposition to the bill. On the other hand, I think it fair to state that one member [Mr. FORDNEY] who signed the minority report telegraphed to me on Saturday that he had withdrawn his opposition to the bill.

The SPEAKER. Does the gentleman from Pennsylvania desire to consume the remainder of his time?

Mr. BATES. Not if the gentleman making the minority report desires more time.

The SPEAKER. The question is on suspending the rules——

Mr. BATES. Mr. Speaker, I desire to yield four minutes to the gentleman from Iowa [Mr. LACEY].

The SPEAKER. The gentleman from Iowa is recognized for four minutes.

Mr. LACEY. Mr. Speaker, I would like to have the attention of the House for a few minutes on this proposition. This is not a bill to increase the holdings of anybody. Under the Camfield case, which is reported in 167 United States, at page 518, it is held that the owners of land grants, the purchasers from land-grant roads, can not fence their holdings because in so doing they include even-numbered sections of public lands and deprive the public of access to those sections. This proposition is to permit, within the limits of a county, holdings to be consolidated under the direction of the Secretary of the Interior. The Secretary of the Interior asks authority to do this. He is not fearful there will be any abuse. Every exchange must be within a particular county and extends no further. The owner of lands in one county may exchange for like lands in the same county. The same area of taxable land will still remain in use. It is limited only to grazing lands.

Mr. THAYER rose.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Massachusetts?

Mr. LACEY. I decline to yield, as I have not the time. I should be glad to yield if I had the time. It requires from 40 to 50 acres of much of this grazing land to pasture one steer. If a man buys a section of land a mile square and has only a comparatively small herd of cattle, a dozen or twenty, if he can buy four sections and fence them together he will have a field in which he can take care of more cattle, and the alternate sections exchanged will be located in the other part of the country, where they are held by the Government. That is all there is in this proposition. When the gentleman from Washington [Mr. JONES] says it is a proposition to advance the value of private holdings, that is true, because the value of private holdings will be advanced if they can be fenced. If they can not be fenced, and the only right the holder has is to pay taxes on them, of course they will depreciate in value. This is a proposition to advance in value these private holdings; in short, to allow the grazing land to be used as grazing land is used in Texas, and it is to the advantage of the private holder, but deprives no one of any right whatever.

The Secretary of the Interior has recommended making this exchange, subject alone to the approval of the President of the United States, and there is no possible danger that can arise, and whether the area is large or small makes no difference. The fact remains that there are millions of acres of dry land fit only for grazing, and the grass will be doubled in quantity if it can be fenced and taken care of. That land belongs to private holders to-day, and all they want is the privilege of fencing it in. Under the decision in the Camfield case, which I wish I had time to read to the House, holders of those lands can not fence their own lands. In some localities, notably California and South Dakota, those who desire to graze their cattle on the public lands can not safely do so, because they will violate the State law and trespass on the private lands and thus become liable for damages, so that in those States the rule is that cattle must be kept off private lands. This is necessary in order to enable the owners of cattle which run at large on the public domain to protect themselves by allowing the private lands to be segregated.

Mr. RODEY. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

Mr. RODEY. Mr. Speaker, I ask unanimous consent that the time of the gentleman may be extended so that I may ask him a question.

The SPEAKER. The gentleman from Pennsylvania [Mr. BATES] has four minutes remaining, and the gentleman from Washington [Mr. JONES] has five minutes remaining.

Mr. ROBINSON of Indiana. Mr. Speaker, if the gentleman from Washington has any time to yield, I will ask him to yield me three minutes.

Mr. JONES of Washington. Mr. Speaker, I yield the gentleman two minutes.

Mr. ROBINSON of Indiana. Mr. Speaker, I am opposed to this bill because I believe a majority of the committee that reported it is opposed to it. I can not believe otherwise. We find a number of the committee signing the minority report in opposition to it, and this opposition is supplemented by the statements made by others who oppose the proposition but did not sign the dissenting views. It is also supplemented by the belief I have that no committee of this House, in my judgment, considering this bill in all its details, as we should consider it (and not in this manner under suspension of the rules), would report favorably a bill of this kind involving a change of a fixed policy, of holdings of from 30,000,000 to 70,000,000 acres of the public domain. It entirely changes the policy of the Government with reference to alternate sections. I am opposed to it because it enables large landowners, under the new irrigation project started last session, to choose and secure the sources of water supply and avail themselves to the exclusion of bona fide settlers under the United States law. It also authorizes in its final results the acquisition of immense landed estates, and to that extent denies the principle of homestead settling. It gives to railroads, subsidized by land grants of former years, new rights and privileges and advantages never intended by the original grant.

I am opposed to it because the railroads have all the rights they ought to have within the 40-mile limit and the additional 10-mile lieu limit, but this gives them an additional power of selection in territory outside of the present limitation, and they can exercise this privilege to the disadvantage of the settlers of the United States. I am opposed to it because this House can not in this manner and at this time give that due consideration which, in my judgment, the committee failed to give the measure. I trust that this side of the House and the other side of the House will defeat by a two-thirds vote legislation of such vital and sweeping scope when proposed to be passed under a suspension of the rules. [Applause.]

Mr. JONES of Washington. The gentleman from Iowa [Mr. LACEY] states that the Secretary of the Interior urges this bill. He does urge it. He did not, however, urge it in any of his reports. He never thought of the bill until it was referred to him by the committee. Then the matter was brought up by the friends of the measure.

The gentleman from Iowa [Mr. LACEY] states that there are sections of this country where there are thousands of acres of land that are absolutely worthless except for pasturage. That is true, but it is not true as to many of the States affected by this bill. It is not true of the State of Washington. We have thousands of acres of arid and semiarid lands there, but there is no desire on the part of our people generally that there should be a segregation. Some of my friends who have large holdings would like the bill, but the masses of the people do not want it, and those who do are perfectly willing to subordinate their personal views to the general good. I believe that we are affected by this bill as much as any other State in this Union. As I stated a moment ago, lands in that State which five years ago were considered worthless, as the gentleman from Iowa states in regard to certain sections of the country, are growing 35 and 40 bushels of wheat to the acre.

Mr. LACEY. Will the gentleman yield for a question?

Mr. JONES of Washington. I can not yield; my time is too short. This bill does not limit the selections of these lands to surveyed lands. They may go anywhere, between the limits of their grants, and select in the same county any surveyed or unsurveyed lands. They need not be contiguous. Oh, but gentlemen say they are confined to the county! That is true, but what does that mean in some of the counties of the West? In the county in which I live they can surrender land in one part of that county and select land a hundred miles away and still come within the terms of this bill. I venture to say that in Oklahoma, Arizona, Montana, and New Mexico they can go a still farther distance and be within the terms of this bill. As has been said here, it involves an entire departure from the policy of this Government with reference to land grants. When those grants were made they were made in this "checkerboard" way for a particular purpose. The object of this bill is to do away with that purpose.

It is to allow these holdings to be concentrated for the benefit of the railroads and those who have purchased lands within these place limits. Who have been urging this bill? None of the people from my State. The cattlemen of my State oppose this measure. The masses of the people generally oppose it. I do not blame these people for pressing this measure. They have a perfect right to urge measures for their benefit. It is for us as representing the whole people and the public interests to act in accordance with our views of the general welfare.

Mr. LACEY. Will the gentleman yield?

Mr. JONES of Washington. I can not. I admit that I received a letter from one of the best friends I have in Yakima County, and representing and expressing the views of a certain association there composed of friends of mine, urging the passage of this bill. But friendship can not control my judgment upon a proposition that involves the public domain and the rights of the people, nor would they have it do so. I trust this motion will not prevail.

The SPEAKER. The time of the gentleman from Washington has expired. The gentleman from Pennsylvania has four minutes remaining.

Mr. BATES. I yield two minutes to the gentleman from Oklahoma [Mr. FLYNN].

Mr. FLYNN. Mr. Speaker, there seems to be a misapprehension as to what this bill contemplates. The gentleman from Indiana [Mr. ROBINSON] referred to the fact that it might interfere with the irrigating ditches. The bill specifically provides that none of this land shall be exchanged unless it is arid or semiarid, nonmineral, not timbered, and not required for reservoir sites.

Mr. ROBINSON of Indiana. The gentleman misunderstood me.

Mr. FLYNN. Mr. Speaker, let me say that here is the proposition, where every alternate section is owned by private parties. Those lands can not be sold by sections on account of the Government holding the land adjoining. When they undertake to fence their own land, without putting a post on the Government land, ipso facto the Government land becomes fenced, because the fence surrounds it on all sides, and then a howl goes up to Congress that the Government land is being fenced. I say if you desire fair treatment and the development of that country, in fairness you should allow a man who owns scattered tracts of land to furnish the deeds to the Government at his own expense, so that this exchange can be made in the discretion of the Secretary of the Interior, if it is deemed advisable. That is all there is to this proposition. Here is a township of land, every alternate section belonging to a railroad company. They can not sell theirs, they can not use theirs, because they can not fence it. The Government owning the balance of the land alternating with them, this bill provides they may exchange like for like with the Government and secure their land in one tract and the Government secure their land in one tract. That is all there is to this bill, and it is limited, furthermore, to the county in which the land is situated.

[Here the hammer fell.]

Mr. BATES. I yield the remaining two minutes to the chairman of the Committee on the Public Lands [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I am somewhat surprised at my friend from Washington [Mr. JONES] claiming that no one in his locality is in favor of this bill. I have in my hand a letter, which I will put into the RECORD, from the Washington Wool Growers' Association, from the gentleman's own district, asking for the passage of this bill. It is as follows:

OFFICE OF THE WASHINGTON WOOL GROWERS' ASSOCIATION,
North Yakima, Wash., January 21, 1903.

Hon. W. L. JONES,
Representative from Washington, Washington, D. C.

DEAR SIR: Through your kindness this office has just received H. R. Report No. 3101, being the report of the committee on H. R. bill No. 15008, and also the views of the minority on the same and adverse to the report of the whole committee.

This bill came before the Washington Wool Growers' Association at its last regular meeting on the 13th instant for consideration. There was a large representation present from different parts of the State; there was much said in favor of the proposed bill by the members, and not a word against it. My letter to you of December 23 on this subject was read and accepted as the sense of the association.

Have just hurriedly read the pamphlet and some thoughts have occurred to me in this perusal.

Does not the reference to "baronial estates" savor more of the fervid eloquence of the "stump" rather than the calm, logical examination of a proposition in a formal report? We must take things as we find them; these "estates," however so much "foreign and contrary to our interests," were created years ago, and long before this State existed as such, and this bill proposes to deal with a condition and not a theory, and place these "same estates" in such shape as to render them useful through consolidation, and then we can safely depend upon local taxation to do whatever may be necessary in the matter of reducing them.

It does not appear from a casual reading of the "bill" that the Government is about to enhance the value of private holdings "without compensation;" lands of "like area, character, and value" must be surrendered for exchange without expense to the Government. If the "poorest" are surrendered for exchange they can only, by the terms of the "bill," be considered in connection with lands of like poverty.

That the action and approval of the President and that of the Secretary of the Interior must be based upon the reports of subordinates is a condition common to all Governmental affairs. This preliminary duty can easily be

performed by United States deputy surveyors in connection with their other work, and thus avoid the "immense force" and millions of expense so dreaded by the minority.

True, private holdings will be concentrated, and likewise those of the Government, within land-grant limits. Whatever better position may come to the private owner must also inure to the Government, as the exchange when made must be within the land-grant limits and within the narrow boundaries of a county in each and every case. So circumscribed is the territory for the assembling of land in any one instance—as Secretary Hitchcock so forcibly and aptly explains it in recommending the bill, "No roaming right of selection is given"—that it is impossible for any such disparity to exist as the minority seem to fear.

It is a case for governmental "interference," as everyone will be benefited and no one put in a worse condition than at present. There will be no diminution of public domain for the acquisition of the homesteader, and what there is will be in a more attractive situation, not sandwiched in between hostile holdings. The railroad lands in this State, a long narrow strip checkerboarded through the center of Washington, will be grouped in solid blocks in the several counties, in a more suitable shape for use or sale, consequently of more value, and thus, through taxation, bring in greater revenue to this Commonwealth. Really there will then be more public domain for the settler and homesteader, as the practice of taking up a string of "forties" through an even section, to thus connect alternate railroad sections, will cease, and you well know in such cases the best is always gobbled up. The fencing of Government land, as referred to in mine of December 23, will also stop, there being no further incentive for such trespassing.

This assembling of lands in compact bodies, instead of being a "menace" to irrigation projects, must prove to be an additional incentive to such undertakings, as we have all long since discovered that the greatest trouble in promoting and financing legitimate feasible irrigation propositions is to obtain enough concentrated acreage to attract capital for such expensive operations.

These are a few of the thoughts that come to me as I hurriedly read the bill, the recommendations of Mr. MOODY of Oregon, and the adverse report of the minority.

In view of the support the measure receives from such high authority as Secretary Hitchcock, the benefit it will be to a very large number of your constituents, it is hoped that you will reflect on what is herein contained and other letters from this office and then reconsider your action and assist Mr. MOODY and others in obtaining the passage of the bill recommended by the House Committee on Public Lands, No. 15008.

Very respectfully, yours,

R. K. NICHOLS, *Secretary and Treasurer.*

Mr. JONES of Washington. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Washington?

Mr. LACEY. I can not yield.

Mr. JONES of Washington. That is the letter that I referred to in my remarks.

Mr. LACEY. This proposition limits the exchange to each county. It relieves these men from liability under the Camfield case, so that they may fence their own land. Under existing law they must fence the Government land when they fence their own; and as this is forbidden, they can not fence their own lands. They find themselves in controversy with the Department of the Interior because they have inclosed public lands. This proposition is a solution of that difficulty, and that is why the Secretary of the Interior favors the enactment of the bill.

Now, the opposition comes from Texas. Why? Texas has all her arid lands fenced, all under grazing leases, every foot of them in use, and they know that under that arrangement the amount of grass has doubled in the State of Texas, as it would double in the State of Wyoming or in the other arid States where the grass on private lands could be protected.

Mr. RANDELL of Texas. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. LACEY. I can not yield. I have but two minutes. If the same arrangement is made in Wyoming as is made in Texas, the same results will ensue and the same increase of grass will be found. In those States where the land is fenced into different fields the land is permitted to rest one year and the next year to be grazed. Much of the grass is annual. It must go to seed. Under the existing arrangement a man can not permit the grass to go to seed on his own land, because he can not fence the land. This bill will give the same acreage in each county as at present under private ownership and the same acreage in each county under Government ownership. No harm is done to anybody, and the Secretary of the Interior can not make the exchange until it is approved by the President of the United States.

I regret, Mr. Speaker, that there is no more time to consider this bill, but it is a bill that addresses itself to the equity and right of the House. The gentleman from Washington [Mr. JONES] only complains that the bill will increase the value of the private holdings. If such holdings can be increased in value without injuring anybody else, it should be done.

The SPEAKER. The time of the gentleman from Iowa has expired. All debate has expired. The question is on the motion of the gentleman from Pennsylvania [Mr. BATES] to suspend the rules and pass the bill as amended.

The question being taken, the Speaker announced that in his opinion two-thirds not having voted in favor of the motion to suspend the rules and pass the bill, it was rejected.

LIEUT. ROBERT PLATT.

Mr. MIERS of Indiana. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3317) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander.

The bill was read, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to appoint Robert Platt, lieutenant of the junior grade, United States Navy, not in the line of promotion, to the rank of commander, United States Navy, and to place him on the retired list of the Navy as such.

Mr. MIERS of Indiana. Mr. Speaker, I ask that Senate Report No. 380 of the Fifth-fifth Congress, first session, be read in my time.

The Clerk read as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 1126) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander, having had the same under consideration, beg leave to submit the following report:

The committee recommend the passage of the bill for the reasons set forth in the following statement of facts:

Robert Platt is borne on the Navy Register as "Lieutenant, junior grade, not in line of promotion." This case is unique. After thirty-three years' service in the Navy, which includes service during the rebellion that gained honorable mention and high commendation from Admiral Du Pont and other naval officers under whom he served, Lieutenant Platt stands at the foot of the junior officers of the grade held by him, the seniors of whom were not born when he was serving with the fleet of Admiral Du Pont in the attack upon Charleston. Born in North Carolina in 1835, Lieutenant Platt went to sea at an early age, and was trained in that maritime school that has given so many distinguished men to the American merchant and naval marine. Upon the breaking out of the rebellion Lieutenant Platt was a prosperous skipper, with thorough knowledge of his business and familiarity with the Southern coast and harbors. Tempting offers from representatives of the Confederate States and the appeals of relatives and old associates were unavailing to induce him to abandon allegiance to the United States.

For a short time prior to the breaking out of the rebellion Lieutenant Platt was in the service of the United States Coast Survey as first master, mate, and executive officer of the steamer *Bibb*. His services with the Coast Survey were of a character to secure for him the highest commendation of the chief officers thereof, and the experience acquired by him while on that duty made him a specially valuable man to the naval forces operating against the harbors and seaport cities of the Confederacy.

When hostilities commenced in 1861 the vessels of the Coast Survey were turned over to the Revenue-Marine Service and became an auxiliary force of the Navy. Appreciating the ability and loyalty of Lieutenant Platt, his superior officers earnestly recommended his appointment as lieutenant in the Revenue Marine. The following letters show the estimation in which Lieutenant Platt was held:

NORFOLK, VA., *April 9, 1861.*

SIR: Mr. Robert Platt is deserving of receiving a commission in the Revenue Service, and I take great pleasure in joining his friends in recommending him for the place. He served with me as senior master mate and executive officer of the surveying steamer *Bibb* for a number of years, and besides his competency, of which I can not speak too highly, he is a gentleman in his manner, habits, and associations; he is also strictly moral, and his appointment would, in my opinion, secure to that service a ready-made and efficient officer.

Very respectfully, your obedient servant,

A. MURRAY,
Lieutenant Commanding, United States Navy.

The SECRETARY OF THE TREASURY.

UNITED STATES STEAMER BIBB,
Perth Amboy, May 1, 1861.

DEAR SIR: I beg leave to introduce to your favorable notice Mr. Robert Platt, the chief officer of this vessel, who has been connected with the Coast Survey for some years, during which time he has become acquainted with our harbors and coast.

These vessels are now to be turned over to the Revenue Service, when Mr. Platt must be thrown out of employment should he not receive what he is desirous of obtaining, "an appointment as lieutenant in the Revenue Service." Mr. Platt is a native of North Carolina. "His love of the flag" is stronger than that of the "States-right doctrine," owing to which he is unable to return to his native State to battle for the Union.

Under these circumstances, and the fact that he has such high testimonials as to character and qualifications, I have been induced to ask that you would be pleased to assist him with your influence to obtain the desired situation.

I would not presume to ask this was I not confident that the Government would in this, her time of need, obtain a most valuable servant.

Respectfully, yours,

N. C. BLAKE,
Lieutenant Commanding, United States Army.

Hon. W. V. BRADY.

Lieutenant Platt remained with the revenue-marine steamer *Bibb* as executive officer until March, 1863, when he was appointed acting ensign in the Navy by Admiral Du Pont for reasons that are set forth in the following letter:

[Dispatch No. 153, 1863.]

FLAGSHIP WABASH,
Port Royal Harbor, S. C., March 26, 1863.

SIR: I have the honor to inform the Department that I have appointed Robert Pratt, at present executive officer of the United States Coast Survey steamer *Bibb*, as acting ensign in the United States Navy from the 1st of March, this being the highest appointment I can offer.

I would, however, recommend that the Department should give him the appointment of acting master from the same date. Mr. Platt has been of great service in this squadron, is an educated and thorough seaman, and is, moreover, to pilot the fleet into Charleston Harbor, as I have reason to believe that his knowledge of the channel exceeds that of any of the few pilots we have here, and for which perilous service he has patriotically volunteered.

I may add that there are two other pilots in the squadron holding the position of acting master, which is a further reason for making the appointment.

Very respectfully, your obedient servant,

S. F. DU PONT,
Rear-Admiral, Commanding South Atlantic Blockading Squadron.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

Lieutenant Platt led Admiral Du Pont's fleet into the harbor of Charleston on April 1, 1863, his vessel leading the fleet and under the fire of the enemy's shore batteries. For his skill, coolness, and intrepidity Lieutenant Platt

was specially commended by Admiral Du Pont. In acknowledgment of his services upon that occasion, Mr. Platt was advanced to the grade of acting master, his appointment coming from Admiral Du Pont with the following letter:

FLAGSHIP WABASH,
Port Royal, S. C., April 14, 1863.

SIR: I have the pleasure to inclose your appointment as acting master in the United States Navy, and you will report to Captain Boutelle in that capacity and continue your previous duties on the *Bibb*.

I avail myself of the occasion to express my commendation of your pilotage of the *Weehawken*, the leading ship in the attack on the Charleston ports, on the 1st of April, under my own observation, and which has been alluded to by Capt. J. Rodgers in the most favorable terms in his official report.

Respectfully, your obedient servant,

S. F. DU PONT,
Rear-Admiral, Commanding South Atlantic Blockading Squadron.

Acting Master ROBERT PLATT,
U. S. S. Bibb, Port Royal, S. C.

The following extract from the official report of Captain Rodgers, to which reference is made in the foregoing letter of Admiral Du Pont, shows the value of Lieutenant Platt's services upon the occasion referred to:

INSIDE OF CHARLESTON BAR, S. C., *April 8, 1863.*

* * * * * * *

All the officers and men behaved so admirably that I am unable to select one for especial commendation. I am much indebted to Mr. Robert Platt, of the United States Coast Survey steamer *Bibb*, for his cool and efficient pilotage of the vessel, which he continued to direct after a ball touching the pilot house immediately over his head had given him a severe concussion. * * *

I have the honor to be your obedient servant,

JOHN RODGERS, *Captain.*

Rear-Admiral S. F. DU PONT,
Commanding South Atlantic Blockading Squadron.

Mr. Platt remained on duty with the blockading fleet until the termination of the war, performing such service as was assigned him. When the war closed Mr. Platt, upon the application of Carlisle Patterson, then Chief of the Coast Survey, was assigned to that service. He remained with the Coast Survey for several years, being continued in the Navy as a volunteer officer. June 15, 1878, an act was passed by Congress making Mr. Platt master in the Navy, not in the line of promotion. By the act of March 3, 1883, the grade of master was abolished and the grade of junior lieutenant established. Although there was no specific reference to Master Platt in that act, he was continued on the Navy Register as "lieutenant (junior grade), not in line of promotion." It is a question whether, by the act of March 3, 1883, Mr. Platt did not become a lieutenant (junior grade) without limitation.

During all these years Mr. Platt has continued to serve the Government with efficiency and fidelity. For some time past he has been in command of the United States Fish Commission steamer *Fish Hawk*, and has performed valuable service in connection with the propagation of food-fish and in obtaining information touching their nature and habits. With thirty-three years' service in the Navy, of which over twenty years have been sea service, and three of which were during the war, he is still a junior lieutenant. He asks, in view of his long and faithful service and of the fact that he reached the age of 62 in March, 1897, the age at which officers above the grade of lieutenant are retired, that Congress pass an act authorizing his appointment to the grade of commander, not in the line of promotion, to the end that he may, having reached the age of 62, be retired with that grade.

It may be urged that this is an unusual request, but it can be truthfully said that this is not only an unusual case, but one without precedent, and one which is not likely to again be presented. Mr. Platt was granted admission to the Navy with a limitation as to promotion, which had to be acquiesced in in order to overcome the opposition of those who would be affected by his full admission. Had he been admitted without limitation he would have attained the grade of commander before reaching the age for retirement, and in the intervening years would have been in the enjoyment of the additional pay that attaches to the grades above that which has been continually held by him. Lieutenant Platt's long and faithful services justify him in asking Congress to give him the measure of relief asked for, and the fact that Lieutenant Platt remained loyal to the Government at a time when men of his abilities and special equipment were offered liberal inducements to accept service from the Confederacy; that he abandoned his home and severed the bonds which united him to kindred and friends and voluntarily offered his services to maintain the integrity of the Union, should be given consideration in this connection.

The sacrifices made by those men of Southern birth who remained loyal to the Government have been frequently recognized by Congress and the Executive in individual cases. Special recognition was given this class of citizens by Congress in the act of August 15, 1876, by which it was provided that commodores in the Navy "who, being at the outbreak of the late rebellion, citizens of any State which engaged in such rebellion, exhibited marked fidelity to the Union in adhering to the flag of the United States," should, upon retirement, be retired with the grade of rear-admiral. If special recognition should be the reward of naval officers under the conditions described in the act above quoted, surely the citizen under like conditions, who was free from the moral and legal obligations resting upon the naval officer to remain loyal to his flag, is deserving of equal recognition from Congress.

The advancement of Lieutenant Platt to the grade of commander, not in the line of promotion, would not affect any officer on the Naval Register, and would involve to the Government a comparatively trifling expenditure, and that only for a very limited period. It would be a fitting recognition of long and faithful services, and would enable an old and faithful officer, whose life has been passed in the public service, to maintain himself and family during the few years that remain to him.

MARINE BARRACKS,
Navy-Yard, Boston, Mass., April 21, 1896.

This is to certify that Mr. Robert Platt (now Lieut. Robert Platt, United States Navy) and I served together on coast-survey duty on the coast of Maine in 1861, just after the outbreak of the war. Mr. Platt was then the sailing master of the schooner *Arago*, which vessel was temporarily detached from coast-survey duty and armed by orders of the Government at Washington, with orders to cruise off that coast, prevent arms and munitions of war being sent by sea to the rebels, and one especial order was to cruise for and capture four rebel vessels which were reported to have run the blockade at New Orleans. The names of these vessels were *Alice Ball*, *Orozimbo*, *Express*, and *Peter Marcy*. Through the active efforts and good judgment of Captain Platt three of these ships were captured. Captain Platt himself brought the *Alice Ball* into Eastport (Maine) Harbor with the rebel flag union down and our flag above it. A large party in Eastport was at that time unfriendly to the Government, and often threats were made that they would take the three captured ships (*Alice Ball*, *Express*, and *Orozimbo*) from us, but Captain Platt's vigilance and the excellent discipline he had in force in his command prevented any such action on the part of the citizens of the town, and the vessels were retained until delivered to other officials of the Government.

ROBT. L. MEADE,
Major, United States Marine Corps.

Mr. MIERS of Indiana. Mr. Speaker, the facts stated in this report furnish a stronger argument for the passage of the bill than I could possibly construct and a more eloquent plea for justice than I have language to express. Three times the Navy Department has recommended its passage.

At three sessions of Congress the Senate Committee on Naval Affairs found the facts as above and recommended the passage of the bill, and each time the Senate passed the same.

The House Committee on Naval Affairs has also three times reported the bill favorably and recommended its passage.

I deem it a privilege to make the final motion that will bring long-delayed justice to this American citizen, who has served in the United States Navy thirty-three years, over twenty years of which was on the sea, which included service during the rebellion that gained honorable mention and high commendation.

I hope this bill will pass without a dissenting vote.

The question was taken; and two-thirds voting in favor thereof, the rules were suspended and the bill passed.

NEW AGRICULTURAL DEPARTMENT BUILDING.

Mr. MERCER. Mr. Speaker, I move to suspend the rules and pass the following Senate bill with the amendments recommended by the Committee on Public Buildings and Grounds.

The SPEAKER. The gentleman from Nebraska moves to suspend the rules and pass the Senate bill which the Clerk will report with the amendments recommended by the Committee on Public Buildings and Grounds.

The Clerk read as follows:

An act (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture.

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a suitable and commodious fireproof building, for the use and accommodation of the Department of Agriculture, including all of its bureaus and officers now occupying rented quarters in the District of Columbia, to be erected on such portion of the grounds of the Department of Agriculture belonging to the United States as he may deem expedient immediately in the vicinity of the present building, said building to be constructed in accordance with plans, to be procured, based on accurate estimates, providing for the erection of said building, complete in all its details, as herein described and within a total cost of not exceeding the sum herein stipulated, and he is hereby authorized, after procuring such plans, and after due advertisement for proposals, to enter into contracts within the limit of cost hereby fixed and subject to appropriations to be made by Congress for the erection of said building complete, including heating and ventilating apparatus, elevators, and approaches, and the removal of the present building or buildings of the Department of Agriculture on said grounds.

SEC. 2. That the supervision of the construction of said building shall be placed in charge of an officer of the Government especially qualified for the duty, to be appointed by the Secretary of Agriculture, subject to the approval of the head of the department in which such officer is employed, who shall receive for his additional services an increase of 25 per cent of his present salary, such increase to be paid out of the appropriation for the building herein authorized.

SEC. 3. That the limit of cost for the construction of said building complete, including heating and ventilating apparatus, elevators, and approaches, and the cost for removal of the present building or buildings of the Department of Agriculture, is hereby fixed at $1,500,000, and no contract shall be entered into or expenditure authorized in excess of said amount.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. MERCER. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I desire to ask the gentleman a question, if I can have order, so that I can ask it.

The SPEAKER. The House will please be in order, and gentlemen will please cease conversation.

Mr. RICHARDSON of Tennessee. A parliamentary inquiry, Mr. Speaker, I first address to the Chair, whether this recognition of the gentleman is to make a motion on behalf of the Committee on Agriculture, or is it an individual request?

The SPEAKER. These are individual suspensions, all of them.

Mr. RICHARDSON of Tennessee. Individual recognition?

The SPEAKER. It is individual suspension day.

Mr. RICHARDSON of Tennessee. I know; but the Chair has the option of recognizing committees or individuals.

The SPEAKER. But this is an individual recognition.

Mr. RICHARDSON of Tennessee. I know that priority is given to the committee if it requested.

The SPEAKER. The gentleman is right about that, but these are individual recognitions.

Mr. RICHARDSON of Tennessee. Now, I want to ask the gentleman if the Agricultural Committee approves unanimously making this motion to suspend the rules and pass this bill?

Mr. MERCER. The Committee on Agriculture has nothing to do with it.

Mr. RICHARDSON of Tennessee. The Committee on Public Buildings and Grounds. I beg the gentleman's pardon.

Mr. MERCER. Yes, sir; it is a unanimous report of the committee.

Mr. RICHARDSON of Tennessee. Then I have no objection to a second being considered as ordered.

The SPEAKER. The gentleman from Nebraska is recognized to control twenty minutes and the gentleman from Tennessee twenty minutes.

Mr. MERCER. Mr. Speaker, this is a matter that has been before the country and Congress for several years. The committee has been in receipt of communications from all parts of the United States requesting that this legislation be had. As members know, the Department of Agriculture is very much limited as to its space. It occupies a very old and unsatisfactory building. The Department is growing rapidly, and to-day, as we all know, it is one of the greatest Departments of this Republic. Its usefulness is increasing, and it needs more room and better accommodation in order that it may properly transact its business. I think most of the members of this House are personally familiar with the situation, and know that this measure is a just one. The committee is of the opinion that a building, and a substantial building, large enough to satisfy all branches of the Department can be erected on this ground, which is Government ground, in the vicinity of the present building within the limit of cost covered by the amendments to the Senate bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman if this bill is in the usual form that the committee prescribes for public buildings in the city of Washington?

Mr. MERCER. It is in the usual form, except in this particular, that the Secretary of Agriculture has been authorized to take charge of the construction of this building. In most authorizations for public buildings the Secretary of the Treasury is given authority to control and superintend construction, but the Secretary of the Treasury has no objection to this feature of the pending bill, and it seems to be the desire of the Agricultural Department to have the legislation in this form.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I only wish to say that I did not demand a second with a view of opposing the passage of this bill. I did not know until the gentleman made the motion that a motion was to be made to suspend the rules and pass it; therefore I have not had an opportunity to investigate it. But inasmuch as the minority members of the Committee on Public Buildings and Grounds have joined in the recommendation, I shall make no objection. If there is any gentleman on this side of the House or on the other side of the House who desires to be heard in opposition of the bill, of course I will yield him time out of the twenty minutes. Having demanded the second, and the time having been given to me under the rules, I feel it is right and proper to make this statement, in order that any gentleman who desires to oppose the bill may not be misled but may have an opportunity to speak. For myself I do not oppose the passage of the bill.

Mr. MERCER. I do not think there is any disposition to oppose the passage of the bill.

The SPEAKER. The question is on the motion of the gentleman from Nebraska to suspend the rules and pass the bill with the amendments which have been read.

The question was taken, and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

JOHN RUSSELL BARTLETT.

Mr. DAYTON. Mr. Speaker, I move to suspend the rules and pass Senate bill 4222.

The SPEAKER. Are there any amendments?

Mr. DAYTON. Yes, sir; with an amendment.

The SPEAKER. The gentleman from West Virginia moves to suspend the rules and pass with an amendment the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 4222) authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy.

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint John Russell Bartlett, now a captain on the retired list of the Navy, to be a rear-admiral on the retired list of the Navy, with the rank and pay of said office: *Provided*, That no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

The amendment was read, as follows:

In line 7, strike out the words "and pay."

Mr. RICHARDSON of Tennessee. I demand a second.

Mr. DAYTON. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair recognizes the gentleman from West Virginia [Mr. DAYTON] and the gentleman from Tennessee [Mr. RICHARDSON].

Mr. DAYTON. Mr. Speaker, this is a bill in behalf of a retired naval officer who has a very remarkable record. He was a midshipman at the Academy in the third class when the war broke out in 1861. Before graduation he was sent from the Academy on board the *Brooklyn* and was under Farragut in the passage of the forts at New Orleans, and was also in the naval battle at Vicksburg and in the two charges on Fort Fisher. In 1897, only a few months before the passage of the personnel bill, and after a life of active service in the Navy, and a record which I say is as good as that of any officer in the Navy, he was retired for nervous disease known as neurasthenia, which, as I understand, is almost equivalent to nervous prostration. In a few months afterwards he recovered his health, and during the Spanish war, under the law that provides for the employment of retired officers, he was placed in active service and did conspicuous service in behalf of his country. Being in good condition and good health to-day he is discharging his duties actively as a retired officer, discharging active duty in the naval service in connection with the general board over which Admiral Dewey presides.

He was retired a few months before the passage of the personnel bill, which would have authorized him to be retired with the rank of a rear-admiral. The bill carries no pay, the House Committee having amended it so as to simply give him the rank of a rear-admiral. I want to say to the gentlemen of the House that his long and conspicuous service to his country, both when on the active list and since during the Spanish war, and even now, warrants and merits this recognition on his behalf. The Navy Department has recommended it and it has passed unanimously the Committee on Naval Affairs. I want to say further to the members of the House that it has been the uniform policy of the Naval Committee to closely scrutinize these bills and to report very few of them, and only under extraordinary circumstances and conditions. A great many of the officers on the retired list feel that an injustice was done them by the passage of the personnel bill. We have adopted the general policy where a retired officer is willing to undertake the active duty and does go into active service of the Navy to supply the need existing of officers to continue and perform active duty to encourage that. We have deemed it proper and right in certain cases to give them this promotion in cases like this without pay.

Mr. STEELE. Will the gentleman allow me an interruption?

Mr. DAYTON. Certainly.

Mr. STEELE. I understand the gentleman to say that this bill proposes to give him the rank and not the corresponding pay.

Mr. DAYTON. He does not ask that.

Mr. STEELE. As the bill reads it would give him pay corresponding to his rank. It does not specially provide that he shall not have the pay of the rear-admiral.

Mr. DAYTON. The Senate bill provides a corresponding pay with the rank. Provides that the President is authorized to appoint him to be rear-admiral on the retired list of the Navy, with rank and pay of said office. The House amendment strikes out the word "pay," and now it provides that he shall be retired a rear-admiral, with the rank of said office but not the pay. He will draw the pay of a captain.

Mr. STEELE. I do not think there is any question that if he is retired as a captain he would be paid as a captain, and that if he was retired as a rear-admiral he would be paid as a rear-admiral. Now, another point: The gentleman says a great many officers complain about the passage of the personnel bill. Are there not a great many of the officers who are equally entitled to the consideration that this officer is, and ought not this bill to be a general bill rather than to make it specific and apply to specific cases?

Mr. DAYTON. I do not think so. I do not think there is another officer in the Navy who passed with Farragut through the campaign in front of New Orleans and Vicksburg and Fort Fisher, and landed in both attacks. I doubt whether there is another officer in that class.

Mr. STEELE. If they did not it is their misfortune, for probably they would like to have been there.

Mr. DAYTON. I want to say, Mr. Speaker, that this officer merits promotion because of his long service since he has been on the retired list and in the active list. He went through the Spanish war and to-day fulfills the duties of an active officer and does it well. Every single officer in the Navy, in my judgment, will bear testimony to the fact that Capt. John Russell Bartlett is entitled to this recognition. I want to say further that as far as the pay is concerned I am absolutely sure, from an examination and from a consultation with the law authorities of the Navy and the rules and regulations governing it, that this bill does not carry a single dollar of pay as a rear-admiral, but that he will receive the pay of a captain and the rank of a rear-admiral.

Mr. STEELE. Would the gentleman object to providing that this officer shall only receive the pay and emoluments of a captain?

Mr. DAYTON. The bill already provides that he shall receive no pay or bounty or emoluments by the passage of this act. That is in the bill. Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, my only object in demanding a second on this bill was that it might be properly debated. If the minority members of the Committee on Naval Affairs interpose no objection, I see no reason why I should oppose the bill. If any gentleman on either side of the House desires time to use in opposition to the bill, I will yield to him; if not, I am content that a vote be taken.

The question being taken on the motion to suspend the rules and pass the bill, it was agreed to (two-thirds voting in favor thereof).

BRIDGE ACROSS MONONGAHELA RIVER, PENNSYLVANIA.

Mr. DALZELL. I move to suspend the rules and pass the bill which I send to the desk, with the amendments of the committee.

The bill (H. R. 16975) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company, was read, with the amendments of the Committee on Interstate and Foreign Commerce.

Mr. MADDOX. I demand a second on the motion to suspend the rules.

Mr. DALZELL. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. DALZELL. Mr. Speaker, this is a simple, everyday bridge bill, such a bill as is passed again and again by unanimous consent. There can not be any possible objection to it.

The question being taken on the motion to suspend the rules and pass the bill with the amendments of the committee, it was agreed to (two-thirds voting in favor thereof).

MUSCLE SHOALS POWER COMPANY.

Mr. RICHARDSON of Alabama. I move to suspend the rules and pass, with the amendments of the Committee on Interstate and Foreign Commerce, the bill which I send to the desk.

The bill (H. R. 16602) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes, was read, as follows, with the amendments of the committee:

Be it enacted, etc., That the time allowed the Muscle Shoals Power Company by section 2 of an act entitled "An act granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Ala.," approved March 3, 1899, to commence and complete the work therein authorized to be done be extended so that unless the work authorized in said act to be done be commenced within two years and completed within four years from the date of this act the privileges granted to said company by said first-mentioned act shall cease and be determined; and said company is authorized to erect and construct dams which may abut on lands of the United States Government along the line of the Muscle Shoals Canal, if approved by the Secretary of War.

Mr. PAYNE. I ask for a second on the motion to suspend the rules. In the confusion I could not hear what the bill is.

Mr. RICHARDSON of Alabama. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. RICHARDSON] for ten minutes.

Mr. RICHARDSON of Alabama. Mr. Speaker, this is undoubtedly just such a bill as would pass by unanimous consent if certain conditions did not exist at this time in the House, known to us all. Therefore, in order to get the bill before the House, I had to resort necessarily to the motion for a suspension of the rules.

The object of this bill, Mr. Speaker, is simply to extend the life of a charter already granted by Congress to what is known as the Muscle Shoals Power Company. The necessity for asking this extension of time arises by reason of the fact that there is a question now under consideration, and not yet definitely settled, as to what rental, if any, the Government would be entitled to from this company for the use of the waters of the Tennessee River; and before this question can be settled, as the Chief Engineer of the War Department states in a letter to the Interstate and Foreign Commerce Committee, the life of this charter will expire, unless extended by a bill such as this.

Mr. PAYNE. For how long a period does this bill propose to extend the time?

Mr. RICHARDSON of Alabama. For three years.

Mr. STEELE. Is there not some question in regard to abutting property of the Government? Is there not some change of the law proposed in that regard?

Mr. RICHARDSON of Alabama. There is. The work of the company proposes to abut upon Government property; and the Chief of Engineers writes thus:

The privilege proposed to be granted is one that may result in embarrassment to the Government, and it may be a valuable one for which the company should be required to pay. As it is necessary that action shall be taken on the bill during the present session of Congress, in order to preserve the life of the franchise, there is not sufficient time to properly and carefully investigate these questions; but I am of the opinion that, if the bill is amended as indicated on a copy of the same herewith submitted, the interests of the Government will be protected, and that there will be no objection to favorable action by Congress thereon.

Mr. STEELE. Is the bill so guarded as to give the Government pay for any damages that may be done?

Mr. RICHARDSON of Alabama. The question of damages is the one now under consideration; and the Chief Engineer has proposed that the bill be passed with an amendment which, of course, has been accepted by the committee and amply safeguards the Government in all its rights.

The question being taken on the motion of Mr. RICHARDSON of Alabama to suspend the rules and pass the bill, it was agreed to (two-thirds voting in favor thereof).

THOMAS H. CARPENTER.

Mr. CASSEL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 661) authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Thomas H. Carpenter, late a captain, Seventeenth Infantry, a captain of infantry in the Army of the United States; and when so appointed he shall be placed upon the list of retired officers of the Army, unlimited, on account of wounds received in battle, from which he is under disability.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. CASSEL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. CASSEL. Mr. Speaker, I yield to the gentleman from Ohio [Mr. DICK] such time as he may desire.

Mr. DICK. Mr. Speaker, this is a thoroughly meritorious case, the applicant having been wounded at the battle of Gettysburg, the ball passing through the knee and lodging under the kneecap. It was supposed by the surgeons then examining the wound that the ball has passed through the leg and that the wound would heal. Subsequently and repeatedly surgeons made examinations and found no trace of the ball, but the soldier was unable to march with his command, and after repeatedly asking to be retired, resigned his commission. It was only recently, through the assistance of the X-ray, that the ball was located and found to still be in the wounded leg, causing continued stiffness, and proving absolutely the claim of the soldier as to his inability to march with his troops. On this account the committee of the House has recommended the passage of this bill. The bill has already passed the Senate.

Mr. CASSEL. Mr. Speaker, I yield to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Speaker, I want to say just a word or two in addition to what has been said by the gentleman from Ohio [Mr. DICK]. This man was severely wounded, as the gentleman stated. He had a commission in the Regular Army. At the time that he was ordered to go to a certain place to perform active duty, he replied that he could not sustain the fatigue of active service in the field. After the board examined him and failed to find any trace of the ball, he was ordered to rejoin his regiment, and thereupon resigned. He had to resign, obey orders, or be court-martialed. It was impossible for him to perform his duty. He has been on crutches nearly all of the time since. It was at a time when most of the Regular Army officers were willing to get rid of all the volunteers they could who had received commissions in the Regular Army. The bill has passed the House several times during the past twenty years, and has also passed the Senate several times.

The man, in my judgment, presents one of the best cases that ever has come before Congress. His case has been reported upon by more committees who favorably recommended it than any other case with which I am at all acquainted. It seems to me that it is a very small act of justice to a man who should have been retired when he applied for retirement and who was conscientious enough to know that he could not do the duty. He was never able to prove to the Army officers or the surgeons the cause of his continued lameness until the X ray came to his assistance, when the ball was located, and, as I understand it, has since been extracted, though leaving him still crippled and lame.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. HULL. Certainly.

Mr. UNDERWOOD. I would like to know when it was this gentleman resigned from the Army.

Mr. HULL. It was in 1866. The Regular Army after the civil war seemed willing to get volunteers out.

Mr. UNDERWOOD. At that time there was no retirement list.

Mr. HULL. Oh, yes; they were retiring officers then.

Mr. BARTLETT. I would like to ask the gentleman a question.

Mr. HULL. Certainly.

Mr. BARTLETT. I want to know what effect this bill will have upon the pay the man will receive. Will the Government be called upon to pay him for any services in the past?

Mr. HULL. No, not at all. He will be paid nothing until the President nominates and the Senate confirms him as a captain on the retired list.

Mr. HEPBURN. What rank did he have?

Mr. HULL. He was a captain.

Mr. HEPBURN. What regiment?

Mr. HULL. He was in an Iowa regiment until, on account of gallantry, he was promoted to a position in the Regular Army.

Mr. BARTLETT. When was he wounded?

Mr. HULL. He was wounded at the battle of Gettysburg.

Mr. STEELE. What is the name of this officer?

Mr. HULL. Captain Carpenter.

Mr. STEELE. Was not Captain Carpenter discharged from the service because he preferred to go out of the service under the consolidation act of 1869 and receive a year's pay? Was he not included in that list?

Mr. HULL. No. The chairman of the subcommittee calls my attention to the fact that it was in 1866, and he was retired from the service because he was absolutely unable to go without his crutches at the time and could not perform active service. He had been serving as provost-marshal after receiving his wound.

Mr. STEELE. Retired or resigned?

Mr. HULL. Resigned.

Mr. STEELE. On account of the law giving him a year's pay?

Mr. HULL. No; the matter of a year's pay came about in 1870.

Mr. STEELE. And this man did not get a year's pay?

Mr. HULL. No.

Mr. STEELE. What rank did he have when he was retired?

Mr. HULL. He was a captain in the Regular Army.

Mr. STEELE. He was a captain when he retired?

Mr. PALMER. He did not retire; he resigned.

Mr. STEELE. Mr. Speaker, in justice to the Regular Army I wish to say that I do not think it is fair to charge that officers of the Regular Army desire to get rid of volunteers. I can say from experience that there is absolutely no justification for that charge except in cases where the officers ought to have been gotten rid of. I do not know about this officer. The X-ray has come to his assistance, and if he had a gunshot under his kneecap, received during the war, I should not vote against his retirement. But it is unfair to charge the Regular Army with trying to get rid of volunteer officers.

Mr. HULL. I will say that he had to march or resign, as shown by the report. Some years ago, when Mr. Outhwaite was chairman of the Committee on Military Affairs and I was on the subcommittee, I made a very full investigation of this case, and the committee unanimously reported that this man be restored to the Army, and the bill passed that House, in the Fifty-second or Fifty-third Congress, I am not certain which. It has passed this House or the Senate several times. The man was unable to march. The demonstration of the X-ray has shown why he was lame, and I will say to my friend that when they were reducing the Army afterwards it seemed to be a fatality that the volunteer soldiers were the ones that always got mustered out. I sincerely hope the House will pass this bill.

Mr. UNDERWOOD. Mr. Speaker, I have nothing to say about the merits of this bill. I presume this man was as good a soldier as any of the other officers who properly conducted themselves, and I suppose the case is as good a case as the usual bill that is brought up here to take a man from civil life and retire him on a pension. My objection to the bill is this: This officer, for reasons that were sufficient to himself, resigned from the Army over thirty years ago. Now, why he did that we do not know. If there was any question of justice to be done him, it ought to have been done then. There was no prejudice against a soldier in 1866.

Mr. HULL. While the gentleman is on that point will he pardon an interruption?

Mr. UNDERWOOD. Certainly.

Mr. HULL. I understood the gentleman to say that he had waited some thirty years. He commenced more than twenty-five years ago to try to get justice done. I have been in Congress only twelve years, but I know he has been here every year that I have been here, and before that.

Mr. UNDERWOOD. I understand that, but I say that over thirty years ago, according to the report, he of his own voluntary act sent his resignation to the Department. He was not mustered out——

Mr. DICK. But he had to do one of two things. Either he had to resign or he had to disobey orders. He could not obey the commands that were given to him, and therefore was compelled to resign.

Mr. UNDERWOOD. Well, if he was unable to perform his duty as a soldier and as an officer that was the time for Congress or the Secretary of War to have done this man justice. If for his own reasons he saw proper to resign, and if for reasons that the Department deemed proper they were willing to accept his resignation, I say that the question in all justice and all equity should have been ended then.

Now, I have no reflections to make on this officer and this gentleman, but I say it is a late day for men who resigned from the Army thirty years ago, possibly to enter civil life in more remunerative employment than to stay in the Army, now that they happen to be broken in health or have failed in that business which they chose to follow, to come to Congress and contend that they shall be pensioned by putting them on the retired list to draw officer's pay, which pensions them at a great deal higher rate than their companions in arms have ever received. If this man has an injury to his leg he is entitled to a pension, but he is not entitled to retire and draw an officer's pay; and for that reason I have always opposed this class of bills, and I do not think they ought to be passed.

Mr. BARTLETT. This bill directs the President to appoint him in the Army.

Mr. DICK. If by reason of a recent invention the contention that he made forty years ago, that a bullet was lodged in his kneecap, and that therefore he could not march with his troops, is shown to have been correct, is it too late for Congress to do him justice, when by reason of that fact he was compelled to resign the service that he was performing at that time? He did not resign voluntarily. He resigned because he must do that or disobey the orders of his superiors and be court-martialed. Being compelled to do one of those two things, he chose to resign. And now, because of a recent invention which shows that his claim was meritorious and fair, he comes before Congress for the rectification of an injustice under which he has labored for more than a third of a century.

Mr. UNDERWOOD. Mr. Speaker, my friend makes a very good argument, an ingenious argument, about an invention; but it seems to me it has nothing to do with the case. I see nothing here to show that the Department ever doubted the word of this officer that he was unable to walk, or that it took any invention to demonstrate to the Department that he was unable to serve. There is nothing here to show that he ever offered or asked for retirement.

Mr. HULL. Oh, yes, there is.

Mr. UNDERWOOD. Did he go before a retiring board? That was his privilege at that time. He had the right to go before a retiring board.

Mr. HULL. He did, and the board decided against him.

Mr. UNDERWOOD. Then if the retiring board found against him, why, it was his privilege either to agree to their orders or to resign from the Army. He exercised that right, and so it is too late a day for this man to come here now.

Mr. HULL. If the gentleman will permit just one word, for I know my friend wants to be fair.

Mr. UNDERWOOD. Certainly.

Mr. HULL. The retiring board did not think his injury was a permanent one, though he went on crutches. It has been demonstrated since the X-rays have been invented that the man was absolutely right and the retiring board was absolutely wrong. Now, he had either to obey the order, be court-martialed, or resign. He preferred to go out with a clean record rather than be court-martialed. He has been upon crutches nearly all the time since. He now walks with a cane and has a bad limp, and it does seem to me that if my friend, with his usual fairness and generosity, will read the report, he will not object to the passage of this bill.

Mr. UNDERWOOD. My objection is not to this single case, but to all these cases. This is one of a number of cases of its class that I have always opposed since I have been in Congress. I believe that when these officers went out of the Army thirty years ago, went before a retiring board, their cases were considered by the Secretary of War or the Secretary of the Navy, that ought to be an end of the matter, and they should not be brought up at this late day.

Mr. DICK. May I interrupt the gentleman for a moment?

Mr. UNDERWOOD. Certainly.

Mr. DICK. This is one of more than 2,000 bills of this kind that are pending before your Committee on Military Affairs. This

one comes into this House with the unanimous report of that committee, who have considered it with great care and fairness.

Mr. UNDERWOOD. Well, I will say, in reply to my friend from Ohio, that I find on a great many questions before this House there are a large number of gentlemen who disagree with me. I very often find myself in the minority, and I do not question the ability of those gentlemen on the Military Committee, both the majority or the minority side of the committee, but on this particular question I have always differed with the committee who have investigated the matter. I believe that it is too late to open up these cases and retire these men. I have always believed that there ought to be a day of final judgment, and we ought not to go into these old cases, thirty years old, and try them over again at this time, and for that reason I have opposed this class of bills.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and the Speaker announced that in the opinion of the Chair two-thirds voted in favor thereof.

Mr. UNDERWOOD. I ask for a division.

The House divided; and there were—ayes 60, noes 16.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

WILLIAM P. RANDALL.

Mr. MEYER of Louisiana. Mr. Speaker, I move to suspend the rules and pass the bill S. 5329.

The SPEAKER. The gentleman from Louisiana moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 5329) authorizing the President to appoint Lieut. Commander William P. Randall, retired, United States Navy, a commander on the retired list.

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Lieut. Commander William P. Randall, United States Navy, retired, a commander on the retired list of the Navy, with the retired pay of that grade from the date of such appointment.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

AKRON, STERLING AND NORTHERN RAILROAD, ALASKA.

Mr. BURKETT. Mr. Speaker, I move to suspend the rules and pass Senate joint resolution 146.

The SPEAKER. The gentleman from Nebraska moves to suspend the rules and pass the joint resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. R. 146) to extend the time for construction of the Akron, Sterling and Northern Railroad in Alaska.

Resolved, etc., That the time within which the Akron, Sterling and Northern Railroad Company is authorized to construct its line of railroad from the head of Valdez Bay, in the Territory of Alaska; thence extending up Lowe River 12 miles to Keystone Canyon; thence for a distance of 3 miles through said canyon, on the west side thereof; thence through Dutch Valley a distance of 4 miles; thence 13 miles along the benches on the west side of Lowe River drainage, through Thompson Pass, as definitely located by said company, be, and the same is hereby, extended for two years from and after the passage of this resolution.

Mr. LACEY. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Iowa demands a second.

Mr. BURKETT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Nebraska is recognized for twenty minutes in favor of the joint resolution and the gentleman from Iowa for twenty minutes in opposition.

Mr. LACEY. Mr. Speaker, I desire to ask the gentleman a question. What is the necessity of this bill? In other words, why can not they file a new plat under the law and take an extension of time under that instead of making an appeal to Congress?

Mr. BURKETT. I will say to the gentleman that as I read the law, and as it seems that the Department reads the law, each 20 miles of railroad is to have a filing, and then there is one year to complete that 20 miles. Now, they have already filed their maps for this 20 miles, and they have a year in which to complete that, and then they will have to file another, and they will have a year to complete that. The Secretary of the Interior's letter is here, and it seems to indicate that this must be done.

Mr. LACEY. Why can not they refile a plat for that 20 miles and take this extension under the general law?

Mr. BURKETT. I apprehend if they had started out first as a new company and filed their plats they might go on with it. However, that would take a longer method, perhaps, than it would to pass this legislation, and not be as satisfactory as this will be.

Mr. SULZER. Mr. Speaker, I want to ask the gentleman from Nebraska a question.

The SPEAKER. Does the gentleman from Nebraska yield to the gentleman from New York?

Mr. BURKETT. Certainly.

Mr. SULZER. How many miles of this railroad have been surveyed?

Mr. BURKETT. I was just reading the statement of the company, and it seems they have made a survey clear through. They state that they have the materials all ordered and arrangements made for financing the proposition. As I understand it, the survey is already made now.

Mr. SULZER. As I understand the gentleman, no part of this railroad has been built as yet?

Mr. BURKETT. I take it from the report filed in the Senate and what I know about it that there has been no part yet built. In the first year during the short open season they surveyed and then had to file the surveys and finance it, and when they got back February came round and the time had expired. The time was from last February to this February, only leaving one open season, in which I understand they made the survey.

Mr. SULZER. Do I understand the gentleman to state that the Secretary of the Interior says in his letter that it is necessary for this resolution to pass, extending the time for constructing this road two years, in order for the company to hold what they now possess under the law?

Mr. BURKETT. From the statement he makes with reference to this matter they would lose their rights, because the law said that all the rights they had would be forfeited if not completed at the end of a year.

Mr. SULZER. Mr. Speaker, I am in favor of building railroads in Alaska. The people up there need them to open up and develop the country. Now, I want to ask, was this company organized under the general law or by special act of Congress?

Mr. BURKETT. I think it was under a special act of Congress passed in 1898 for Alaska. In this country we have five years to complete a section of the road. That is under the act of 1879, probably, but under the special act for building roads in Alaska, although it is farther away and harder to get at, they were only given one year, or one-fifth of the time that we have here.

Mr. SULZER. This resolution simply extends the time; it gives the railroad company no public lands in Alaska?

Mr. BURKETT. No, sir.

Mr. SULZER. Mr. Speaker, I see no objection to the resolution, and I think it ought to pass.

Mr. BURKETT. As far as this bill is concerned, they get no land. I was not here when the special act was passed, and I do not know.

Mr. SULZER. I understand. All this resolution does is to extend the time two years to complete the railroad. I see no objection to that.

Mr. BURKETT. That is all.

Mr. SULZER. I shall vote for the resolution.

Mr. CURTIS. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Nebraska yield to the gentleman from Kansas?

Mr. BURKETT. Yes.

Mr. CURTIS. I would like to ask the gentleman from what committee this bill is reported.

Mr. BURKETT. The Committee on the Territories.

Mr. CURTIS. Why did it not go to the Committee on Public Lands?

Mr. BURKETT. I do not know. I had nothing to do with referring the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BOUNDARIES OF FEDERAL JUDICIAL DISTRICTS IN ALABAMA.

Mr. BOWIE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 14512) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the time and places for holding courts therein, and for other purposes, approved May 2, 1884, as amended by the report of the Judiciary Committee. They have reported an amendment by way of a substitute, and I move that the substitute be adopted.

The Clerk read the bill as amended, as follows:

Be it enacted, etc., That section 2 of an act approved May 2, 1884, entitled "An act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes," be amended so as to read as follows:

"SEC. 2. That the said northern district is hereby divided into three divisions, which shall be known as the northern, southern, and eastern divisions

of the northern district of Alabama. The southern division of said northern district shall include the counties of Sumter, Greene, Hale, Pickens, Tuscaloosa, Lamar, Fayette, Walker, Jefferson, Blount, Bibb, Shelby, St. Clair, and Dekalb, and a term of the circuit court and district court of the United States for said northern district shall be held for said southern division at the city of Birmingham, in the said county of Jefferson, twice in each year, at the times provided by law.

"The eastern division of said northern district shall include the counties of Etowah, Calhoun, Cleburne, Clay, Talladega, and Cherokee, and a term of the circuit court and the district court of the United States for said northern district shall be held for said eastern division in the city of Anniston, in the said county of Calhoun, twice in each year, on the first Mondays in May and November. The remaining counties of said northern district shall constitute the northern division thereof, and the terms of the circuit and district courts of the United States for said northern district shall be held therein at the times and places prescribed by law."

SEC. 2. That this act shall be in force from its passage, and all other provisions of the act aforesaid, approved May 2, 1884, and all acts amendatory thereof not inconsistent with this act, shall remain in full force and effect, and so far as they are applicable shall relate to and govern the eastern division of the northern district of Alabama.

SEC. 3. That a place for holding the courts for the eastern division of the northern district of Alabama shall be furnished to the Government free of cost by the county of Calhoun until other provision is made therefor by law.

SEC. 4. That all civil process issued against persons residents in said counties of Etowah, Calhoun, Cleburne, Clay, Talladega, and Cherokee, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Anniston; and all prosecutions for offenses committed in either of said counties shall be tried in the appropriate United States court at the city of Anniston.

SEC. 5. That all cases, civil and criminal, now pending on the dockets of the southern division of the northern district of Alabama, as herein created, shall remain on the docket of the southern division of said district and be tried in Birmingham, Ala., unless transferred to the dockets of the eastern division of said district by consent of all the parties thereto entered of record, or unless transferred by the order of court for good cause shown.

SEC. 6. That the clerks of the circuit and district courts of the southern division of the northern district of Alabama shall maintain an office, in charge of themselves or a deputy, at said city of Anniston, which shall be kept open at all times for the transaction of the business of said courts.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. BOWIE. Mr. Speaker, I find a slight typographical error in the title to the bill just passed. The word "time" in the title should be "times."

The SPEAKER. Without objection, this correction will be made.

There was no objection.

KENSEY J. HAMPTON.

Mr. BOREING. Mr. Speaker, I move to suspend the rules and pass with amendments the bill (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army.

The Clerk read the bill as amended, as follows:

Be it enacted, etc., That the President of the United States in his discretion be, and he is hereby, authorized to appoint Kensey J. Hampton, late captain and assistant quartermaster, United States Volunteers, to the grade of captain and quartermaster, United States Army, to fill the first, or any subsequent, vacancy in said grade in the Quartermaster's Department occurring after the passage of this act.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. BOREING. Mr. Speaker, I ask unanimous consent that a second be regarded as ordered.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that a second be considered as ordered. [After a pause.] The Chair hears none.

Mr. BOREING. Mr. Speaker, if in order, I ask that the report of the committee be read.

The SPEAKER. The gentleman from Kentucky asks for the reading of the report, which will be done in the gentleman's time.

The Clerk read the report (by Mr. DICK), as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army, report the same back to the House with the recommendation that it do pass with the following amendments:

After the word "States," in line 3, insert "in his discretion;" and after the word "first," in line 7, insert "or any subsequent."

The records of the War Department and other evidence before the committee show that Captain Hampton served as assistant quartermaster, United States Volunteers, from June 7, 1900, to June 30, 1901, when he was mustered out of the United States service. When the act of February 2, 1901, increasing the permanent establishment of the Army was passed, President McKinley appointed Captain Hampton to the same grade and staff in which he served in the Volunteer Army. At the time of his appointment he was on duty in the Philippine Islands on General Wheaton's staff and acting depot quartermaster for the Department of Northern Luzon. He was ordered up for physical examination before a board in Manila, which board reported him disqualified on account of a defect in the left eye.

However, two subsequent examinations were had by specialists for the eye—one by Dr. Stafford, of the First Reserve Hospital, Manila, and the other by Dr. Burnett, Washington, D. C.—both reporting that no serious defect could be found, and upon these reports the Surgeon-General of the Army waived the report of the first board and cleared his physical record. It seems from the evidence that the report of former board was unusual, as the defect discovered by the two specialists was slight, and has never caused Captain Hampton the slightest inconvenience or required him to wear glasses.

It was further shown that after the receipt at the War Department of the report of the examining board at Manila, and before Captain Hampton's arrival in the States after his muster out of the volunteer service, Alvin A. Barker, an officer of the Twenty-sixth Volunteer Infantry, was appointed and assigned to take the place for which he, Hampton, had failed to qualify; that eight days after Captain Barker was appointed he resigned without ever going on duty, and that Capt. Eugene F. Ladd, of the Ninth United States Cavalry, was detailed under the provisions of the new Army law to fill the place made vacant thereby.

It appears, therefore, that, while the law was technically complied with in the appointment and resignation of Captain Barker and the subsequent detail of Captain Ladd, really the place was never filled as contemplated by the act of February 2, 1901, and that Captain Hampton, who was appointed to this place by President McKinley, was kept from filling it by an error in the report of the board which examined him. It also appears that of all those designated for appointment by the late President McKinley in the various staff departments Captain Hampton was the only one who did not receive his commission.

The committee are of the opinion that this bill is exceedingly meritorious, and, therefore, recommend its passage with amendments.

The report of the Record and Pension Office, War Department, in this case is as follows:

Case of Kensey J. Hampton, late captain and assistant quartermaster, U. S. Volunteers.

The records on file in this office show as follows: Kensey J. Hampton was appointed captain and assistant quartermaster of volunteers May 28, 1900, to rank from May 9, 1900; accepted the appointment June 7, 1900, at Washington, D. C.; was on waiting orders from June 7 to June 27, 1900; was on duty as quartermaster and commissary on the tug *Slocum* from June 28 to October 20, 1900; was on temporary duty at San Francisco, Cal., from October 20 to October 27, 1900; was on leave of absence from October 28 to November 16, 1900; was en route to Seattle from November 17 to November 25, 1900, and on duty at that place from November 26 to December 3, 1900.

He was on duty as quartermaster and commissary on the transport *Kintuck* from December 3, 1900, on which transport he sailed from Seattle December 15, 1900, arriving at Manila, P. I., January 23, 1901; was relieved from duty on the transport January 31, 1901, and was on duty in the Philippine Islands from February 1 to June 30, 1901, when he was honorably discharged from the service of the United States.

Respectfully submitted.

F. C. AINSWORTH,
Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, December 8, 1902.

The SECRETARY OF WAR.

Mr. BOREING. Mr. Speaker, the Committee on Military Affairs, having investigated this matter, have unanimously reported in favor of this bill, and authorized me to call it up.

Mr. UNDERWOOD rose.

Mr. BOREING. I yield to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, the only objection I have to this bill is the same objection I have to all this class of legislation. It is simply that we are invading the functions of another department of the Government and attempting to take men off the retired list or out of private life and legislate them into the Army, and then to retire them on full pay.

This man was retired by an Army board that knew the facts and had been appointed to conduct such examinations; yet, because he has political influence and probably is a good officer and a good man, he comes here and it is expected that we shall legislate him into the Army. This is a class of legislation which ought not to be passed. It is a matter with which Congress ought to have nothing to do by means of private bills; and although I know that the House is not with me on these propositions, I simply want to register my own protest against this class of legislation.

Mr. BOREING. Mr. Speaker, this is not a political question; the bill was introduced by the gentleman from Virginia [Mr. HAY].

Mr. UNDERWOOD. I did not speak of it as a question between political parties.

Mr. BOREING. I want to say further that this bill does not retire an Army officer on pay. In February, 1901, we passed a bill providing for the appointment of certain officers from civil life. President McKinley designated Captain Hampton for one of those positions. It is true that a board did report that there was a defect in one of this man's eyes; but it is also true that two subsequent examinations, ordered by the War Department, made reports, approved by the Surgeon-General, contradicting the first report. In the meantime, however, the place to which Captain Hampton had been appointed was technically filled by a man who had served only eight days. The chairman of the Committee on Military Affairs has personal knowledge of these matters.

Several MEMBERS. Let us vote.

Mr. BOREING. I have no disposition to occupy time in talking. I will give gentlemen an opportunity to vote, and I know that they will vote with me because they are fair.

The question being taken on the motion of Mr. BOREING to suspend the rules and pass the bill, it was agreed to, two-thirds voting in favor thereof.

JUDICIAL DISTRICTS IN TEXAS.

Mr. SHEPPARD. I move to suspend the rules and pass the bill (H. R. 17088) to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the counties of Bowie, Morris, Franklin, and Titus shall constitute a division of the eastern judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the said eastern district of Texas shall be held twice in each year at the city of Texarkana, and that until otherwise provided by law the judges of said courts shall fix the times at which said court shall be held at Texarkana, of which they shall make publication and give due notice.

SEC. 3. That all civil process issued against persons resident in the said counties of Bowie, Morris, Franklin, and Titus, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Texarkana, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States courts at the city of Texarkana: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this bill shall be in any way affected by the provisions hereof.

SEC. 4. That the clerks of the circuit and district courts of said district shall maintain an office, in charge of themselves or a deputy, at the said city of Texarkana, which shall be kept open at all times for the transaction of the business of said division.

The question being taken on the motion to suspend the rules and pass the bill, it was agreed to (two-thirds voting in favor thereof).

ALEXANDER STEWART WEBB.

Mr. DICK. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 4973) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army.

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Alexander Stewart Webb, late a brigadier-general of volunteers and lieutenant-colonel and brevet major-general, United States Army, a lieutenant-colonel, and to place him on the retired list of the Army with that rank and pay, the retired list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said Alexander S. Webb.

Mr. RICHARDSON of Tennessee. I demand a second on this motion to suspend the rules.

Mr. DICK. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I desire to ask whether this bill has been reported by any committee of the House.

Mr. DICK. It has not.

Mr. RICHARDSON of Tennessee. Then I object to the request for unanimous consent and ask for a vote by tellers.

The SPEAKER. The Chair appoints as tellers the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Ohio [Mr. DICK].

Mr. RICHARDSON of Tennessee. I ask to be excused from service as a teller, and that the gentleman from Alabama [Mr. UNDERWOOD] be appointed in my place.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] will act as teller in conjunction with the gentleman from Ohio [Mr. DICK].

The House divided; and the tellers reported—ayes 52, noes 32.

So the motion to suspend the rules was seconded.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. DICK] to occupy the time allowed by the rules in favor of the motion.

Mr. DICK. Mr. Speaker, I ask that the report be read in my time.

Mr. RICHARDSON of Tennessee. Did I understand the gentleman to say that he would send up the House report?

Mr. DICK. No; this is the Senate report.

Mr. RICHARDSON of Tennessee. There is no House report on the bill, as I understand.

The Clerk read Senate Report No. 1020, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 4973) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army, have duly considered the same and submit the following report:

A similar bill was reported favorably by this committee and passed by the Senate in the Fifty-sixth Congress, and also favorably reported and passed by the Senate in the Fifty-fourth Congress.

Senate Report No. 151, in the Fifty-sixth Congress, has been reconsidered, and is adopted and submitted as the report on this bill, and is as follows:

[Senate Report No. 151, Fifty-sixth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 2447) to place Lieut. Col. and Bvt Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army, have had the same under consideration and submit the following favorable report:

Alexander Stewart Webb served as an officer in the United States Army for over fifteen years, from July 1, 1855, to November 25, 1870. It seems scarcely necessary to submit a special report upon the bill, for the service of General Webb was of so conspicuous a nature that it requires little remark. Within six months from his graduation from the United States Military Academy, on July 1, 1855, he was on active military service with his regiment in Florida in quelling the uprisings of the Seminole Indians, there getting a foretaste of the more extensive military operations that were soon to come and in which he was to take so brilliant a part. He was a man of scholarly as well as of military attainments, being assistant professor of mathematics at the United States Military Academy for three years immediately preceding the civil war, and principal assistant professor of geography, history, and ethics at the Military Academy for several years after the war.

At all times during the war his service was of the most active and valuable nature. He was in the field in Virginia in 1861 and participated successfully in 17 different actions and battles, among which were such important ones as Mechanicsville, Antietam, Chancellorsville, Gettysburg, the Wilderness, and Spottsylvania. The gallantry of his services was not without recognition. For gallant service at Gettysburg he was brevetted major and awarded a medal of honor "for distinguished personal gallantry in the battle of Gettysburg." He was brevetted lieutenant-colonel at the battle of Bristoe Station, colonel for gallant and meritorious service at the battle of Spottsylvania, brigadier-general for gallantry in the campaign ending in the surrender of Gen. R. E. Lee, major-general for gallant and meritorious service during the war, major-general volunteers for gallant and distinguished conduct at the battles of Gettysburg, Bristoe Station, the Wilderness, and Spottsylvania. At the battles of Gettysburg and Bristoe Station, in the Mine Run campaign, and at the battles of Martins Ford, the Wilderness, and Spottsylvania, he was in command, successively, of the Second Brigade of the Second Division of the Second Corps, Second Division of the Second Corps, and First Brigade of the Second Division of the Second Corps.

General Webb's conduct at Gettysburg, July 3, 1863, is particularly worthy of mention. He was in command of the Second Brigade of the Second Division of the Second Corps, and had been with the color guard of the Seventy-second Pennsylvania Volunteers, of whom every man was wounded or killed. General Webb left the color guard and went across the front of the companies to the right of the Sixty-ninth Pennsylvania, all the way between the lines, in order to direct the fire of the latter regiment upon a company of rebels who had rushed across the lower stone wall, led by the rebel general Armistead. Thus General Armistead and General Webb were both between the lines of troops and both were wounded, but by this act of gallantry General Webb kept his men up to their work until more than one-half were killed or wounded. In this action he was wounded by a bullet which struck him near the groin. General Meade, in his letter presenting a medal to General Webb, mentions this act as one not surpassed by any general on the field.

General Webb was also more severely wounded at Spottsylvania May 12, 1864, in the head. He served in various positions after the war, as shown by the appended documents, until December 31, 1870, when he was honorably discharged at his own request. He is to-day president of the College of the City of New York, and is ill much of the time from the results of his wounds, and as a consequence will be unable to continue his work. He has no other means of support. The bill was referred to the Secretary of War for remark, who referred it to the Adjutant-General, whose report is herewith printed, and will be seen to be in terms of the highest commendation. It was also referred to the Major-General Commanding the Army, whose report is herewith printed. There is also appended a statement of the military service of General Webb from the records of the Adjutant-General's Office.

This measure was also before the Senate in the Fifty-fourth Congress, during the first session of which your then committee ordered the same favorable report, and the bill was passed by the Senate.

In view of the facts above set forth and as appearing in the papers herewith printed, your committee recommend the passage of this bill without amendment.

Mr. DICK. Mr. Speaker, I ask that the letters which will be found at the conclusion of the report, from the Adjutant-General and from the Major-General Commanding the Army, be read.

The Clerk read as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.
Washington, January 8, 1896.

SIR: I have the honor to return herewith Senate bill No. 1106, providing for the reappointment in the Army and retirement as lieutenant-colonel of Alexander S. Webb, late lieutenant-colonel and brevet major-general, United States Army, which has been referred to the Department by the Senate Committee on Military Affairs for information.

At the close of the war General Webb was transferred to the Forty-fourth Infantry, then known as an invalid regiment, composed of wounded and disabled officers and men. Upon the reduction of the Army in 1869, this regiment was consolidated with the Fifth Infantry, an active regiment. Many of the officers of this regiment were then retired. As General Webb was physically incapacitated for active service on the plains with the Fifth Infantry, he sought retirement. In this he was unsuccessful. He thereupon resigned, and has since been occupied in civil life.

Could the retiring board have foreseen the effects of the severe wound that he received there can be no doubt that its verdict would have been that he was incapacitated for active service.

It is held that he was justly entitled to retirement at that time. Had he then been reported incapacitated for active duty, he would have gone on the retired list with the rank and pay of brigadier-general, under the act of July 28, 1866, the actual rank he held and was exercising when wounded.

His appointment and retirement now as a lieutenant-colonel, the rank which he held when discharged from the Army, is recommended as simple justice to a gallant and disabled officer, distinguished at Bristow, in receiving Pickett's charge at Gettysburg, at Spottsylvania, and in the last campaign of the late war. I inclose a summary of his military record.

Very respectfully,

GEO. D. RUGGLES, *Adjutant-General.*

The SECRETARY OF WAR.

[Indorsement of Major-General Commanding.]

HEADQUARTERS OF THE ARMY, *Washington, January 20, 1896.*

Respectfully returned to the honorable the Secretary of War, concurring in within report and recommendation of the Adjutant-General.

NELSON A. MILES,
Major-General Commanding.

Mr. UNDERWOOD. I yield to the gentleman from Georgia [Mr. MADDOX] such time as he may desire.

Mr. MADDOX. Mr. Speaker, I would like to have read the following report.

The SPEAKER. The gentleman from Georgia asks to have read in his time the following report, which the Clerk will read.

The Clerk read as follows:

The minority of the Committee on Military Affairs have fully considered the bill (H. R. 2263) to place Alexander Stewart Webb on the retired list of the Regular Army with the rank of lieutenant-colonel, and recommend that the bill do not pass.

The majority of your committee set out at length the history of service rendered by Alexander Stewart Webb, and the minority cordially indorse all that is said in commendation of General Webb's gallant service. He was educated by the Government, and rendered meritorious service from 1855 to 1869. War records say: "On November 25, 1870, he requested to be discharged the military service under the provisions of section 3, act of July 15, 1870, to take effect December 31, 1870, and was honorably discharged accordingly."

He voluntarily surrendered his commission as an officer of the Regular Army. Section 3 of the act of July 15, 1870, provides—

"That the President be, and he is hereby, authorized, at his discretion, honorably to discharge from the service of the United States officers of the Army who may apply therefor on or before the 1st day of January next; and such officers so discharged under the provisions of this act shall be entitled to receive, in addition to the pay and allowances due them at the date of their discharge, one year's pay and allowances."

General Webb received the full one year's extra pay. Before he tendered his resignation he was elected president of the City College of the city of New York. The position carried with it a salary of $7,500 a year, together with a home free of rent, making his salary equal to at least $9,000 a year.

General Webb has held this office for more than a quarter of a century. It is true he applied for retirement before sending in his resignation, but the board, composed of Regular Army officers, his comrades and associates, refused him retirement and ordered him to rejoin his regiment. The minority of your committee are constrained to believe that if General Webb had not been elected to and accepted the position of president of the college he would have obeyed the order of the board. As a good soldier, educated at the expense of the Government, he should have obeyed the order. If true, as now claimed, that the board erred in not retiring General Webb, a very short time in active service would have demonstrated this, and certainly his associates in the Army would have done justice by retiring him. We believe the fact that General Webb has been at the head of a great institution of learning for more than a quarter of a century vindicates the judgment of the retiring board.

There were more than 500 officers retired under the same laws General Webb took advantage of. Each one of them has the same right to ask Congress to now place him on the retired list. A large number of these officers were really forced out of the service by the reduction of 20 regiments. The larger part of them are poor men and have battled for the bare necessaries of life since leaving the Army. Many of them have applied to Congress year after year for restoration and retirement, and asked in vain. To refuse these gallant men, most of them volunteer officers who were commissioned in the Regular Army at the close of the war as a recognition of gallant conduct on the field of battle, and grant this favor to General Webb is so manifestly unjust that the minority of your committee can not consent to it. We ask the Congress to consider the enormous expense which must result from such legislation. To carry it out to its legitimate conclusion would make the retired list of the Army cost the people more each year than the active list now costs.

General Webb has received since his resignation over $200,000 in salary, and if we add allowance in the way of house rent in New York City, even this amount will be largely increased. Certainly the plea of poverty can not be set up in this case and denied in the hundreds of other cases where the struggle for life has taxed to the uttermost the officers thrown out of the Army by the reorganization act of 1870.

J. A. T. HULL.
JOHN C. TARSNEY.
B. F. MARSH.

Mr. MADDOX. Mr. Speaker, it seems to me that this report is a complete answer to all that has been said by the gentleman on the other side. This officer was ordered to duty in 1870. He was examined by a board of surgeons and was decided by them to be capable of performing that service. Before that time, however, it seems he was elected president of some college in New York, and rather than go and serve in the Army, he resigned. Now he applies to Congress to place him upon the retired list as a lieutenant-colonel. I am informed by gentlemen who seem to know what they are talking about that he has already been retired by this college and draws a salary of some $5,000 a year. It does seem to me that if there is any case where we ought to call a halt in this retiring business, it is right here. I yield the balance of my time back to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, this case is probably a little more glaring than the others, but the same principle is involved. Here is a man that the Army board has refused to retire. He resigned because he wanted to seek private employment, just like the other cases. He got the private employment, and according to the report of the committee in the Fifty-fourth Congress when this case was up before, it would seem that he got very remunerative employment, and for that reason refused to join his regiment, sending his resignation in to the President. It was accepted, and now he asks us to put him on the retired list. This is a dangerous class of legislation; it is a class of legislation that should not be adopted. We seek to exercise an Executive function and by it to take this man out of civil life because, regardless of his past record, he is in civil life to-day. He is in civil life because he desired to go into civil life and sent his resignation to the President. Now he comes before Congress, and has been here before—for other Congresses have turned this case down—and asks us to put him on the retired list as a lieutenant-colonel on three-quarters pay. I think the time has come when this class of legislation should be stopped, and I again offer my protest. I reserve the balance of my time.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and in the opinion of the Chair two-thirds having failed to vote in favor of suspending the rules, the motion was lost.

JOHN WALTON ROSS.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6104) to restore to the active list of the Navy the name of John Walton Ross, without amendment.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint John Walton Ross, surgeon, United States Navy, retired, to the active list of the Navy as a medical director (an additional number), not in line of promotion, and to retain his present longevity (from the date of his original commission as surgeon in the Navy), said officer having tendered his services to the United States.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I ask unanimous consent that the second be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Pennsylvania is recognized for twenty minutes.

Mr. BUTLER of Pennsylvania. Mr. Speaker, the person for whose restoration this bill has been introduced, Dr. John Walton Ross, entered the service of the Government in 1870 and served therein with fidelity for twenty-four years, about one-half of the time at sea and the other half on shore. In 1894, his eyes having gotten into bad condition, a medical board recommended that he be placed on the retired list. In 1898, at the outbreak of the Spanish-American war, he volunteered and his services were accepted by the Navy Department. He served that Department in the South until February, as I recollect, or the spring of 1902, when he was relieved.

The services of this man have been distinguished, full of merit, and have been remarkable. They have been recognized by every official of the Government who has had any connection therewith. The report shows that he served in the yellow-fever infected districts of the United States, and by reason thereof his eyes were injured. This bill is recommended by the Surgeon-General of the Navy, by the Bureau of Navigation, and by the Secretary of the Navy. He is a valuable officer, having served the Government twenty-eight years, twenty-four as a regular surgeon and four as a volunteer. The Surgeon-General of the Navy urgently requests that he may be restored to the active list. This action will interfere with the promotion of no one, as this bill provides that the number which he shall receive will be an additional one. As near as we can learn Dr. Ross is perhaps 56 or 57 years of age. Had he remained in the service he would have been promoted at this time to the grade to which this House is asked to restore him.

I will say to my friend from Alabama that the Committee on Naval Affairs considered this case and everybody voted in favor of restoring this man to the active list, that the Government might have the benefit of his skill. I will further say to the gentleman from Alabama that the Department stands greatly in need of surgeons, and this is considered a wise and economical thing to do.

Mr. UNDERWOOD. Will the gentleman from Pennsylvania allow me to ask him a question?

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. BUTLER of Pennsylvana. Yes.

Mr. UNDERWOOD. Do I understand that this is a bill not to retire an officer but to restore an officer to duty who has already been in the Army and is now on the retired list?

Mr. BUTLER of Pennsylvania. That is correct. I will say to my friend that since Dr. Ross has been put on the retired list his eyesight has been restored, and in the judgment of the medical officers of the Navy he is competent to perform active duty, and they greatly desire the benefit of his services.

Mr. UNDERWOOD. What is his age?

Mr. BUTLER of Pennsylvania. Fifty-six or fifty-seven. He has six or seven years of active service yet to perform.

Mr. DINSMORE. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Arkansas?

Mr. BUTLER of Pennsylvania. Certainly, Mr. Speaker.

Mr. DINSMORE. What was the rank of this officer when he was retired?

Mr. BUTLER of Pennsylvania. He was at the head of the surgeons' list, and this gives one higher grade than he then had; a grade he would have reached had he continued in the service.

Mr. WILLIAMS of Mississippi. Does this propose to give him a grade higher than the grade he already had?

Mr. BUTLER of Pennsylvania. One grade higher than the grade he had at the time he was retired.

Mr. McCLELLAN. What was his grade when he was retired?

Mr. BUTLER of Pennsylvania. He was at the head of the surgeons' list when he was retired, and this makes him a medical director, the grade he would have reached had he continued on the active list.

Mr. UNDERWOOD. I desire to say that when I asked for a second on this bill I supposed it was another retirement bill; but I see it is a bill to allow an officer to return to duty from the retired list, and I have no objection to the passage of a bill of that kind.

The question being taken on the motion, and two-thirds voting in favor thereof, the rules were suspended and the bill was passed.

CAPT. JAMES J. HORNBROOK AND OTHERS.

Mr. DINSMORE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5381) to correct errors in dates of original appointments of Capt. James J. Hornbrook and others.

The bill was read, as follows:

Be it enacted, etc., That with a view to correct errors in dates of original appointments, upon their graduation from the United States Military Academy, the President is hereby authorized to cause the names of Capts. James J. Hornbrook, William F. Clark, and Samuel G. Jones, of the cavalry, to appear upon the lineal list of captains of cavalry, in the order above named, next below that of Capt. Frank M. Caldwell.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 6147. An act to establish a fish-hatching and fish station in the State of Indiana;

S. 2429. An act to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation;

S. 7124. An act to provide for the removal of persons accused of crime to and from the Philippine Islands, Guam, Tutuila, and Manua for trial;

S. 7168. An act to establish a port of delivery at Salt Lake City, Utah;

S. 6339. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;

S. 6515. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.;

S. 261. An act providing for the establishment of a life-saving station in the vicinity of Cape Flattery, or Flattery Rocks, on the coast of Washington;

S. 6847. An act to increase the number of light-house districts;

S. 3309. An act for the relief of Mary A. Shufeldt;

S. 6056. An act to pay Hewlette A. Hall balance due for services in connection with the Paris Exposition;

S. 6536. An act providing for the construction of a tender for the Twelfth light-house district;

S. 4876. An act to remove the charge of desertion from the military record of William P. Taylor, deceased;

S. 6754. An act authorizing the city of Batesville, Ark., to draw water from the pool of Dam No. 1, Upper White River;

S. 6290. An act to extend the provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands; and

S. 7044. An act to authorize the President to detail officers of the Revenue-Cutter Service as superintendents or instructors in the public marine schools.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16330. An act to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas;

H. R. 16651. An act to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama;

H. R. 16564. An act granting an increase of pension to James Hunter; and

H. J. Res. 184. Joint resolution requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration.

The message also announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:

H. R. 9503. An act to authorize the Oklahoma and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 61.

Resolved by the Senate (the House of Representatives concurring), That 15,000 copies of the Woodman's Handbook, part 1, being Bulletin 36, Bureau of Forestry, United States Department of Agriculture, be printed and bound at the Government Printing Office, of which 5,000 copies shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Department of Agriculture.

HENRY G. ROGERS.

Mr. OTJEN. Mr. Speaker, I ask that the rules be suspended and the bill (S. 1471) for the relief of Henry G. Rogers be passed.

The bill was read, as follows:

Be it enacted, etc., That Henry G. Rogers, late first sergeant of Company B, Twenty-fourth Wisconsin Volunteer Infantry, shall be held and considered commissioned a second lieutenant in said regiment from January 2, 1864, with rank from November 25, 1863, and to have been discharged as such lieutenant January 27, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. UNDERWOOD. Mr. Speaker, I should like to have a second on this bill.

Mr. OTJEN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin [Mr. OTJEN] for the bill and the gentleman from Alabama [Mr. UNDERWOOD] against it.

Mr. OTJEN. Mr. Speaker, the sole object of this bill is to permit Mr. Rogers to be considered as having been commissioned, so that he may join the Loyal Legion. He is a man of very excellent standing and is anxious to join the Loyal Legion, and they are anxious to have him. This bill does not involve the Government in one dollar of expense. It provides that no pay, bounty, or other emolument shall accrue on account of the bill. It will not involve the Government in any additional pension, because he is already drawing a twelve-dollar pension for wounds which he received while a soldier.

This commission would be dated from November 25, 1863, and the wounds for which he is pensioned he received in September, 1863, so that it would not involve the Government in any expense whatever. Mr. Rogers has a very excellent record. He received a wound in the battle of Perryville, on October 8, 1862, and at the battle of Stone River, later, he received two wounds. At the battle of Chickamauga, September 19 and 20, 1863, he received a wound through the right arm, and later on, in the same battle, received four additional wounds, which absolutely disabled him. He lay upon the battlefield three days without his wounds being attended to, and I hope the gentlemen will have no further objection to the bill.

Mr. GROSVENOR. I desire to ask the gentleman what is the history of this man. I have not been able to hear a word. Was he ever an officer?

Mr. OTJEN. He was a sergeant and was commissioned a second lieutenant, but was not mustered. It is only to muster him, so he may join the Loyal Legion. It will not involve the Government in a dollar of expense.

Mr. GROSVENOR. How was he commissioned—by whom?

Mr. OTJEN. By the governor of the State of Wisconsin.

Mr. GROSVENOR. Why was he not mustered in?

Mr. OTJEN. Because the company had been reduced below the minimum.

Mr. GROSVENOR. It was a recruiting commission, issued to a sergeant?

Mr. OTJEN. No, sir; I think not; but a regular commission as second lieutenant.

Mr. GROSVENOR. What was the number of the regiment?

Mr. OTJEN. I do not remember his regiment.

Mr. GROSVENOR. There are thousands, at least, of these cases.

Mr. OTJEN. He served in the Twenty-fourth Wisconsin Volunteer Regiment. He has a very excellent record.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

TABLETS AT GETTYSBURG FOR REGULAR ARMY FORCES.

Mr. ADAMS. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 7 as amended.

The Clerk read as follows:

A bill (H. R. 7) authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army.

Be it enacted, etc., That the Gettysburg National Park Commission be, and hereby are, authorized and directed, under the supervision of the Secretary of War, to erect such monuments and markers of granite and bronze upon the battlefield of Gettysburg, in the State of Pennsylvania, as will fittingly designate the positions, indicate the movements, and commemorate the valorous services of the following batteries and regiments of United States Regulars upon the battlefield: Batteries E, G, H, I, and K, First United States Artillery; A, B, D, G, L, and M, Second United States Artillery; C, F, and K, Third United States Artillery; A, B, C, F, G, and K, Fourth United States Artillery; C, D, F, I, and K, Fifth United States Artillery; Second, Third, Fourth, Sixth, Seventh, Eighth, Tenth, Eleventh, Twelfth, Fourteenth, and Seventeenth Regiments of United States Infantry; First, Second, Fifth, and Sixth Regiments of Cavalry; and United States Engineers Detachment.

The Secretary of War shall, so far as practicable, procure the appointment of committees of the survivors of these regiments and batteries, with whom the said Commission shall consult, and, with the approval of the Secretary of War, determine the designs and positions of said monuments and markers and the inscriptions they shall bear, and for the purpose of carrying out the provisions of this act, $61,500 is hereby appropriated, out of any moneys not otherwise appropriated, and the disbursements under this act shall be made on the approval of the Secretary of War.

Mr. ADAMS. Mr. Speaker, I will simply state for the information of the House that I was unanimously instructed by the

Committee on Military Affairs to report this bill with a favorable recommendation, and to seek the earliest parliamentary opportunity to secure its passage. The object of the bill is to remedy a defect of long standing on the part of the National Government, it having failed to do what the States have done at their own expense in the erection of monuments and tablets commemorating the gallant deeds of volunteer forces on the field at Gettysburg. Strange as it may seem, when every organization designated by the States have erected their tablets, the Government has never placed a monument or tablet showing the positions of the Regular Army. That is the whole object of this bill. It appropriates the necessary money and authorizes the Secretary of War, in conjunction with the National Park Association, to erect these tablets. I feel so sure that it must commend itself to the good judgment of the House that I do not believe it is necessary to say anything more.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

REGULATING THE PRACTICE OF MEDICINE AND SURGERY IN THE INDIAN TERRITORY.

Mr. STEPHENS of Texas. Mr. Speaker, I move to suspend the rules and pass without amendment the bill H. R. 15986.

The bill was read, as follows:

A bill (H. R. 15986) regulating the practice of medicine and surgery in the Indian Territory.

Be it enacted, etc., That hereafter no person shall practice medicine and surgery, or either, as a profession in the Indian Territory without first being registered as a physician and surgeon, or either, in the office of the clerk in the district in which he or she offers to practice.

SEC. 2. That each district clerk in the Indian Territory shall keep in his office a well-bound book, in which he shall register the names of all such persons as shall be lawfully qualified, as hereinafter provided, and who shall apply for registration as physicians and surgeons, or either, with the date of such registration.

SEC. 3. That hereafter any person who may wish to practice the science of medicine or surgery, or both, in the Indian Territory shall be allowed to register as such who shall file with the clerk of the United States court of any district in the Indian Territory a certificate of qualification signed by a majority of the board of medical examiners of the district in the Indian Territory in which he or she offers to register: *Provided*, That any person living in a district in which no board is organized may apply to the board of some other district in the Indian Territory.

SEC. 4. That immediately after the passage of this act the United States judge of each district in the Indian Territory shall appoint for his district a board of medical examiners, consisting of three persons, who shall be citizens of the district and learned in the science of medicine and surgery, of good moral character, graduates of some reputable medical college recognized by either of the American medical college associations, and who shall thereafter be duly registered under this act, who shall hold their office for a period of four years, or until their successors are duly appointed and qualified; and should a vacancy occur in any of said boards at any time, the same shall be filled by appointment made by the United States judge of the district in which the vacancy occurs.

SEC. 5. That the members of said board shall, before entering upon the discharge of their duties, take the official oath required to be taken by officers of the Indian Territory.

SEC. 6. That at the first meeting of the members of such boards, after they shall have been appointed, preparatory to the transaction of business assigned them under this act, they shall organize by electing one of their members as president and another as secretary.

SEC. 7. That the regular meetings of each board shall be held quarterly at the court-house of that district on the first Monday in January, April, July, and October in each year, and when so assembled said board shall faithfully and impartially examine all such persons as shall appear before them for that purpose touching their qualifications to practice medicine and surgery, or either, and all such persons as shall satisfy such board of examiners, or a majority of them, that he or she is of good moral character and duly qualified in knowledge and capacity to practice medicine and surgery, or either, shall receive from such board a certificate of qualification as physician and surgeon, or either, as the case may be, which certificate shall entitle such person to registration under the provisions of sections 2 and 3: *Provided further*, That no person desiring to practice medicine under this act shall be excluded therefrom on account of any particular system or school of medicine that he or she may desire to practice.

SEC. 8. That any person desiring to be examined at any other time than the regular quarterly meeting shall notify the president of the board of such desire, whose duty it shall be to assemble the board as soon as practicable and examine such applicant.

SEC. 9. That the district clerk shall give to every person registered under this act a certificate of registration over his signature and official seal, and such certificate shall authorize any such person to practice as physician or surgeon, or both, as the case may be, in any district in the Indian Territory, provided he or she registers said certificate with the district clerk in the district in which he or she resides.

SEC. 10. That the clerk shall receive as his fee for all services required of him under this act in each case the sum of $1.50.

SEC. 11. That any two members of said board shall constitute a quorum for the transaction of all such business as shall come before it, and each applicant for examination shall pay in advance to the secretary, to be divided equally among the members of such board, the sum of $10, which shall be their only compensation.

SEC. 12. That all physicians and surgeons holding diplomas desiring to practice the science of medicine and surgery in the Indian Territory shall submit the same to the board of examiners for the district in which they desire to practice for examination and approval, for which said applicant shall pay a fee of $1 to said board, and upon approval by said board of said diploma shall not be required to undergo the examination herein provided for; and said board shall issue to said applicant a certificate of approval, which certificate shall be registered in the clerk's office for the district in which said board holds jurisdiction.

SEC. 13. That any person who shall prescribe or administer medicine for or who shall in any manner treat disease or wounds for pay shall be deemed physicians and surgeons under this act.

SEC. 14. That any person who shall hereafter engage in the practice of medicine and surgery, or either, in the Indian Territory, in violation of the requirements of this act, shall be deemed guilty of a misdemeanor, and upon conviction in any court having jurisdiction thereof under the laws of the United States governing the practice of medicine and surgery in the Indian Territory shall be fined in any sum not less than $25 and more than $100. And each day said physician or surgeon shall practice medicine or surgery without being registered as hereinbefore required shall be deemed a separate offense.

Mr. STEPHENS of Texas. Mr. Speaker, this bill has been reported unanimously by the Committee on Indian Affairs. The United States judge of that district has written a letter recommending the passage of the bill. There has been no objection to it from any source. There are about 300,000, or probably more, white persons in that Territory and nearly 100,000 Indians. There are no laws in the Indian Territory whatever regulating the practice of medicine and surgery. It has therefore become a breeding ground for a great many quacks, and the people of this Territory are now, by this bill, asking for this relief. I hope there will be no objection to the passage of this bill. Mr. Speaker, I will print as part of my remarks the report made by me on this bill:

The Committee on Indian Affairs, to whom was referred the bill (H. R 15986) regulating the practice of medicine and surgery in the Indian Territory, beg leave to submit the following report, and recommend that said bill do pass without amendment:

This is a bill enacting that hereafter no person shall practice medicine and surgery, or either, as a profession in the Indian Territory without first being registered as a physician and surgeon, or either, in the office of the clerk in the district in which he or she offers to practice.

The bill provides that the United States judge of each district in that Territory shall appoint in his district a board of medical examiners consisting of three graduates of some reputable medical college recognized by either of the American medical college associations. This board holds office for four years.

They are required to examine and grant certificates of qualification to practice medicine to all persons of good moral character and duly qualified in knowledge and capacity to practice medicine and surgery in the Indian Territory, and no person shall be excluded from registration on account of having studied any particular school of medicine. Every applicant for registration shall pay to the board in advance a fee of $10, which shall be equally divided among the board, and this shall be their only compensation. Each applicant also shall pay $1.50 to the clerk for recording his certificate. This law will not cost the Government anything.

Physicians holding diplomas from reputable medical colleges shall pay a fee of $1 to the board and shall be entitled to a certificate of approval without being required to undergo an examination.

The necessity for this legislation arises from the fact that any person, however ignorant, is now permitted to practice medicine in the Indian Territory, and as a result the Indian Territory is filled with many disreputable and ignorant quack doctors, who prey upon an unprotected people. This bill will, if it becomes a law, furnish the desired legal protection.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds being in favor thereof, the rules were suspended and the bill was passed.

THANKS OF CONGRESS TO REAR-ADMIRAL LOUIS KEMPFF.

Mr. HITT. Mr. Speaker, I move to suspend the rules and pass House joint resolution No. 8.

The Clerk read as follows:

House joint resolution No. 8, tendering the thanks of Congress to Rear-Admiral Louis Kempff, United States Navy, for meritorious conduct at Taku, China.

Resolved, etc., That the thanks of Congress be, and they are hereby, tendered to Rear-Admiral Louis Kempff, commanding the Asiatic Squadron, for the wisdom displayed by him in refusing to join the allied forces in the bombardment of the forts at Taku, China.

Mr. HITT. Mr. Speaker, the facts upon which that resolution is based are common property, known all over the world. This is unanimously reported from the committee. The resolution was not considered before Admiral Dewey had been consulted, and that great sailor said that it was merited, and thrice merited. It took as great character, resolution, and courage to refuse to fight in such a grave and difficult crisis as it did to fight for this was in view of easy victory, with six great allies against one weak power. The wisdom and the patriotism of Admiral Kempff in refusing to join the allies in suddenly beginning war upon the Chinese Government were immediately vindicated, for by the action of the allies in attacking Taku the whole Chinese nation was instantly inflamed—not merely the Boxer rebels. Their Government was exasperated.

Our minister, with all the other foreign representatives, was involved in the whirlwind of threatened destruction at Pekin. Many thousands of Christians were slain. Had the other powers whose fleets attacked the fort at Taku followed the wise rule of the strong, calm American sailor who said, "Let no American gun or American vessel be used to make war upon a people or bombard the fort of a government with which we are not at war," and had they confined themselves to the protection of their citizens, as he did to the defense of American life and property, the bloody and dreadful scenes at Pekin might have been far different. Even after those scenes the Chinese showed confidence in our Government alone—through us gave out the first news of

the besieged, agreed to the open-door policy, and modified the indemnity, always trusting our sincerity. Our course toward their Government had been for more than fifty years fair, without greed to rob them of provinces or oppress them. John Russell Young, who, many of you know, was long our minister there, told me that no other power in the world had the ear and the confidence of the Chinese Government as had the United States, because our Government had always been self-restraining, disinterested, and fair minded, as here illustrated in the conduct of Admiral Kempff.

I do not wish to take up the time of the House in reciting the history of his part in that memorable 18th of June, 1900, so widely known to all readers, which has been discussed by the eminent publicists of the day, and has merited and received eulogy from so many writers in all countries.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

BRIDGE ACROSS CUMBERLAND RIVER NEAR CARTHAGE, TENN.

Mr. SNODGRASS. Mr. Speaker, I move to suspend the rules and pass the following bill, without amendments: H. R. 16909, to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901, be, and the same is hereby, revived and declared to be in full force and effect, and that section 5 of said act is hereby amended so as to read as follows: "That this act shall be null and void if said bridge is not commenced within one year and completed within three years from the 1st day of April, 1903."

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIG. GEN. H. C. MERRIAM.

Mr. ESCH. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5891) to authorize the President to appoint Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army and place him on the retired list, without amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, with the advice and consent of the Senate, Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army and place him on the retired list.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. ESCH. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. ESCH. Mr. Speaker, this bill is to authorize the President of the United States, by and with the advice and consent of the Senate, to appoint Gen. H. C. Merriam a major-general on the retired list. General Merriam entered the service in 1862 as captain in the Twentieth Maine Infantry. He served with distinction during the rebellion. He was twice brevetted for gallantry on the field, and on one occasion was awarded a medal of honor by Congress for leading charge on Fort Blakely, near Mobile. After the war he was made a major in the regular service and was assigned to the southwest territory, and engaged int he Apache campaign. After that he was assigned to service along the border of the Rio Grande in Texas, and there so distinguished himself as to receive the merited praise of his superior officer. After that he was assigned to duty in the Department of Columbia, and was afterwards engaged in the Nez Perce campaign in the Northwest. During that service he won the confidence of the inhabitants of that section, and also the commendation of his superior officers.

Since that time he has been engaged in the Department of Colorado and Missouri. Since 1897 he has been made a brigadier-general, and was assigned to the Department of Colorado, and during a portion of that time had also a great portion of the district of Missouri under his charge, a command worthy of a major-general's rank. In 1898 he was made a major-general of volunteers and assigned to the Pacific, and while there performed the arduous duties of preparing and fitting out the expedition to the Philippine Islands, the first expedition under General Anderson and the second under Maj. Gen. Wesley Merritt. So thorough and faithful were his services in the preparation of this expedition that he received the praise of General Merritt, likewise the commendation of the President.

He has served as a brigadier since 1897. His retirement was in November, 1901.

Prior to his retirement he had been promised an increase of rank and an appointment to the rank of major-general. That promise was made by the President to several generals of the Army. It was made to General Bates, and also to Senator FRYE, and to the Secretary of War, and was made to General MacArthur a few days before the President was shot at Buffalo.

After that tragedy the time for retirement came by operation of law, and he was retired with the rank of brigadier-general and holds that rank to-day. In view of the distinguished services of this officer, in view of the commendation he has received at the hands of every superior officer, of the commendation received at the hands of the President of the United States and of the Congress, the Committee on Military Affairs of the House unanimously recommend the passage of the bill. It has likewise been recommended by the Secretary of War.

Mr. Speaker, I reserve the balance of my time.

The question on the passage of the bill was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS BOGUE CHITTO, LOUISIANA.

Mr. ROBERTSON of Louisiana. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16646) to authorize the construction of a bridge across Bogue Chitto, in the State of Louisiana, with amendment.

The Clerk read the bill as amended, as follows:

That authority is hereby granted, and consent is hereby given, for the building of a wagon and foot bridge across Bogue Chitto River, in the parish of St. Tammany, State of Louisiana, by the police jury of said parish: *Provided*, That the plans and location for such bridge shall be first approved by the Secretary of War.

SEC. 2. That said bridge shall be a lawful structure, and shall be recognized and known as a post route, and shall enjoy the rights and privileges of other post roads in the United States; and no charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States. Equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes, and any changes in said bridge which the Secretary of War may hereafter require and order, in the interest of navigation, shall be promptly made by the said police jury without expense to the United States.

SEC. 3. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval hereof.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The question on the passage of the bill was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

EXTERMINATION OF FUR-BEARING ANIMALS IN ALASKA.

Mr. TAWNEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13387) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska, and for other purposes," with amendment.

The Clerk read the bill, as follows:

Whereas the records of the State and Treasury Departments up to date show conclusively that the regulations of the Bering Sea tribunal, made at Paris, August 16, 1893, for the preservation and protection of the fur-seal herds of Alaska, have utterly failed to so protect and preserve these herds from indecent killing and ruinous diminution of life after seven years of faithful enforcement; and

Whereas the negotiations undertaken by the Jordan-Thompson commission in 1896 and 1897 to alter and amend the said useless regulations of the Bering Sea tribunal have also ended in complete failure to afford the slightest relief; and

Whereas the Government of the United States is reduced, by the failure of these official negotiations aforesaid, to the painful position of being obliged to breed and protect annually some 50,000 female seals on the seal islands of Alaska for alien hunters to slaughter at sea, our people being absolutely shut out from that killing by special act of Congress; and

Whereas this killing of 20,000 to 30,000 mother seals at sea by alien hunters every year entails the cruel and indecent starvation to death on the islands of 15,000 to 25,000 young or pup seals every September and October; and

Whereas this ruin of the fur-seal industry of the United States in Alaskan waters by alien hunters compels the Government to support the native inhabitants of the seal islands by annual appropriations from the public Treasury; to keep a resident staff of Treasury agents on the said islands, and order the sailing and idle patrol service of four and five revenue-marine cutters into Alaskan waters from May to the end of October, annually; and

Whereas the cruel and improper condition of affairs on the seal islands of Alaska will continue for an indefinite period, unless Congress puts an end to it: Therefore,

Be it enacted, etc., That the President of the United States be, and is hereby, authorized and empowered to negotiate and conclude negotiations with the Government of Great Britain for a review of the condition of affairs on the fur-seal rookeries of the Pribilof Islands, Bering Sea, Alaska, said review to determine what further regulations shall be ordered, if any can be devised, which will restore and preserve the fur-seal industry of Alaska for the good of all mankind and abate the shameful order of killing now permitted and conducted.

SEC. 2. That pending the investigation and review of said condition of affairs the President of the United States is hereby authorized to conclude and proclaim a modus vivendi with the Government of Great Britain whereby the killing of any or all fur seals on the land or in the sea by the subjects of the respective Governments shall be suspended and entirely prohibited, except a few hundred young male seals annually on the islands of St. Paul and St. George, for natives' food, and said modus vivendi shall remain in force and binding until it is abrogated by a mutual agreement to that end by the United States and Great Britain.

SEC. 3. That the provisions of the act approved April 6, 1894, providing punishment by fine, imprisonment, and forfeiture of vessels for violation of the articles of the award of the Bering Sea tribunal of arbitration are hereby made applicable to all violations of the modus vivendi herein provided for,

and it shall be the duty of the President to make known by proclamation the provisions of said modus vivendi.

SEC. 4. That all expenses incident to said review, investigation, acquisition of authentic data, and preparation of the report of the case of the United States, ordered and approved by the President, shall be paid by the Secretary of the Treasury out of any moneys in the Treasury of the United States not otherwise appropriated, which amount is hereby appropriated.

SEC. 5. That if the modus vivendi authorized by section 2 of this act be not concluded, and regulations under the same, effectual in the judgment of the President for preserving the Alaskan seal herd, be not put into operation before the opening of the pelagic sealing season of 1903, then the Secretary of the Treasury may, with the approval of the President, except as hereinafter provided, take and kill each and every fur seal, male and female, found on the Pribilof Islands; but that not less than 10,000 female seals and 1,000 male seals shall be left alive thereon. The skins of said seals so killed shall be sold by him to the best advantage with regard to time and place of sale as he may elect, and the proceeds thereof covered into the Treasury of the United States: *Provided*, That all needful expenses incident to the killing of said seals, preservation and transportation of skins, erection of necessary buildings, employment of labor, care of the seal islands and Pribilof natives incurred by the Secretary of the Treasury shall be paid by him out of any moneys in the Treasury of the United States not otherwise appropriated, which amount is hereby appropriated: *Provided, also*, That nothing in the Revised Statutes, sections numbered 1960 and 1961 contained therein, shall prevent the Secretary of the Treasury from exercising the authority herein conferred upon him to take and kill said seals, but otherwise said sections shall remain in full force and operation.

Mr. MCCLELLAN. I demand a second on the motion to suspend the rules.

Mr. TAWNEY. I ask unanimous consent that a second be considered as ordered.

Mr. MCCLELLAN. I object.

The SPEAKER. The Chair appoints as tellers on this question the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from New York [Mr. MCCLELLAN].

The House divided; and the tellers reported—ayes 68, noes 25.

So the motion to suspend the rules was seconded.

The SPEAKER. The Chair recognizes the gentleman from Minnesota [Mr. TAWNEY] in support of this motion, and the gentleman from New York [Mr. MCCLELLAN] in opposition.

Mr. TAWNEY. Mr. Speaker, the bill now under consideration proposes to authorize the President of the United States to enter into negotiations with the Government of Great Britain for a review of the Bering Sea regulations in respect to the killing of fur seal and for a modus vivendi, suspending entirely or prohibiting the killing of seal either on land or sea for a period of time to be mutually agreed upon, or until the regulations have been reviewed and modified so as to prevent the slaughter of the seal herd of Alaska, as it is at present going on. This in a modified form is the same bill that was reported by the Ways and Means Committee of this House in the Fifty-fourth Congress, and which passed the House at that time by unanimous consent.

It was reported from the committee to that Congress by the late Nelson Dingley, jr., chairman of the committee. The Senate failed to pass it, and consequently the negotiations were not authorized, and the executive department of the Government could do nothing; and in the meantime the slaughter of the Alaska fur-seal herd by the pelagic hunters has been going on. In 1874 this herd numbered more than 4,000,000; to-day, as I am informed by the last survey, the herd does not exceed 200,000. That the House may know the extent to which it has been reduced, and the limit of time when it will be entirely exterminated, I need only say that four-fifths of the seal killed last year by the North American Commercial Company, that has the contract or lease with the Government for the killing of seal on the Pribilof Islands, were seals only 1 year old, or what are known as "eye plasters."

In reporting this bill to the House in the Fifty-fourth Congress, Mr. Dingley, in a very brief report, summed up the whole situation when he said:

> The necessity for this course arises from the fact that the Alaskan fur-seal herd is being rapidly exterminated by pelagic sealing vessels—mainly Canadian—which follow the seal herd as it moves along our Pacific coast in the spring and enter Bering Sea at the end of the close season, in August, when they are free under the ineffectual regulations adopted by the Paris tribunal to use the spear—more deadly than the shotgun—in killing, outside of the 60-mile zone, the seals that frequent these waters in pursuit of food. As these seals are mainly females that have brought forth their young on the Pribilof Islands, the killing of the mother seals results in the starvation of the young upon the land and the inevitable rapid extinction of the fur-seal herd.

Let me say here that we have on the floor of this House a member from Illinois [Mr. CROWLEY] who was a special agent of the Treasury Department on the Pribilof Islands in 1895, who himself assisted in the counting of 30,000 seal pups that were starved by reason of their mothers having been exterminated when in the open sea beyond the 6-mile zone in search of food to maintain themselves and their young.

Mr. Dingley continues:

> The rapidity of the decline of the valuable herds which annually resorted to the Pribilof Islands of Alaska, mainly on account of pelagic sealing, will be seen when it appears that in 1874 this herd numbered about 4,633,000. In 1890 the herd had been reduced to 1,039,000, and at the close of the season in 1895 to about 175,500—44,000 seals, mostly females, having been killed during the last season by pelagic sealers and about 30,000 pups having died of starvation in consequence of the killing of the mother seals.

Now, Mr. Speaker, I want to call the attention of the House to the fact that the report of our minister to Japan shows that in 1901 there were fitted out at Yokohama four sailing vessels that sailed under the Japanese flag; three of them navigated by Americans, took seals on the American side in Bering Sea, and that during the year 1902 a number of Japanese sealers would visit Bering Sea. Japan not being a party to the Paris agreement, the pelagic hunter sailing under the Japanese flag may go to within 3 miles of the Pribilof Islands. And the commander of the revenue cutter *Manning*, in a report to the Department, which I have here, says that he boarded two vessels which were fitted out at Yokohama and were hunting and killing fur seal within the 6-mile zone; and that he was informed that in that year 18 vessels were fitted out at Yokohama for the purpose of engaging in seal fishing in the Alaskan waters. For the information of the House I will read from the last annual report of the supervising special agent of the Treasury Department what our special agent in Alaska says:

> In August last the commander of the revenue cutter *Manning* boarded in Bering Sea two sealing vessels sailing under the Japanese flag, with seals on board, and complete sealing outfits of boats and fire-arms. One of them stated that 18 sealers had cleared from Yokohama for Bering Sea. In September last the same officer boarded four Japanese sealers in the vicinity of the 60-mile zone around the Pribilof Islands, in which pelagic sealing is prohibited to American and British sealers by the terms of the Paris award. The commander of the *Manning* pertinently remarks that "to one on the grounds, seeing the workings of the present method of patrol and the results, it appears ludicrous for the American and British Governments to be making such efforts to prevent their own sealers from gathering in the seals, thus protecting the herd that the Japanese may come in and secure the cream of the business."
>
> This is a matter of grave importance to the Pribilof herd, and it would seem that, if no insistence is made regarding the other features of the Paris arbitration, the one requirement of the award, the preservation of the 60-mile limit, should be enforced against all comers. Even if this Government has no property right in the seals, which is not granted, it would seem the proper act of a civilized nation to preserve the 60-mile zone free from hunting, so that the female seals may safely gather food for their young on the rookeries before becoming targets for the guns and spears of the hunters.

Now, if we can put a stop to this butchery by the pelagic hunter, as it is carried on there to-day, we have by our treaty with Japan and Russia an agreement that as soon as the pelagic hunter of Great Britain ceases his work this provision of the treaty will become operative, and Japan and Russia will likewise cease their operation and the killing of seal in the open sea, as they are doing now.

Now, the one and only objection that has ever been made to this bill, and it was not raised when the bill was before the House in the Fifty-fourth Congress, is that provision which says that in the event Great Britain refuses to enter into negotiations with us for the purpose of so amending the regulations as to insure the preservation and protection of that herd then one of two things must follow—either the herd will be exterminated by the pelagic sealer or we will, in the discretion of the President, step in and take our own property; but in the event that discretion is exercised it must be exercised so as to preserve the species by allowing to remain on these islands 10,000 female seals and 1,000 male seals.

So that if Great Britain refuses to join with us for the preservation of practically the only fur-seal herd in the world by so modifying the present impotent regulations as to prevent the slaughter of that herd, then and only in the event of such failure or refusal can this authority be exercised. And why should it not be exercised? If we take the herd or what remains it will be taken in a decent, humane way, and we will get the benefit. If we do not take it the pelagic hunter will be slaughtering the females in open sea and starving their young on the Pribilof Islands. In that case the benefit will inure wholly to the pelagic hunter, and it is only in that remote contingency that this discretionary authority is vested in the President of the United States. Whether it would ever be recognized or not I do not know, but I have no doubt that in that case its exercise would be justified, and knowing this it might bring about a settlement of this much vexed question. In regard to this particular provision of the bill, which was contained in the bill reported by Mr. Dingley, he says:

> It is believed that it is Canada that is standing in the way and holding back Great Britain from cooperating with us in the preservation of the seal herd, and that when Canada sees that we propose to take summary measures to end not only the inhumanity that consigns thousands of young seals to slow starvation, but also the farce by which we are expending large sums of money to police Bering Sea practically to aid her pelagic sealers in the work of exterminating seals, she will no longer endeavor to prevent England from uniting with us in efficient measures to save the seal herds to the world.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCLELLAN. Mr. Speaker, accompanying the report on this bill were filed the views of the minority of the Committee on Ways and Means, consisting of the gentleman from Massachusetts, Mr. MCCALL, our late friend the gentleman from Connecticut, Mr. Russell, the gentleman from California, Mr. METCALF, the gentleman from Nevada, Mr. NEWLANDS, and myself. We recognize quite as well as the gentleman from Minnesota [Mr. TAWNEY]

the necessity that exists for the preservation of the Alaskan seal herd from the pelagic hunter. We realize quite as much as does he the cruelty of pelagic sealing.

As far as the first four sections of the bill are concerned, we have no objection, for they are designed to confer upon the President an authority which he already possesses under the treaty-making power of the Constitution. They serve as a polite parliamentary remainder that he should be up and doing; that he should at least make some effort to bring about a cessation of the cruel practice of which Great Britain is guilty. To section 5 of the bill we are unalterably opposed. It either means nothing at all or else it means that, failing to renew negotiations with Great Britain, failing to establish a modus vivendi by which pelagic sealing shall be stopped, the Secretary of the Treasury will, under the direction of the President, kill off all the Alaskan seal herd with the exception of 10,000 cows and 1,000 bulls.

It is probable that the Aleuts, of whom there are 300 living on the Pribilof Islands, will eat the get and more than the get of the remaining 11,000 seals, so that if section 5 goes into effect it will be only a question of time when the whole seal herd will be destroyed. Upon this subject President David Starr Jordan, of Leland Stanford University, formerly commissioner in charge of our fur-seal investigations in 1896 and 1897, says, in a letter to the chairman of the Committee on Ways and Means:

As a stroke of diplomacy the threat might be of value; how much would remain to be seen. As such I would not oppose it. If, however, it is seriously considered as a line of policy, it is simply monstrous. It would be a confession of weakness, of inability to meet England in diplomacy. It would bring upon us the odium which now properly rests with Great Britain for her unwillingness to abolish the destructive agency of pelagic sealing. It would needlessly destroy the most valuable and most interesting marine animal yet left. * * * The idea is a monstrous one. * * * In any event I trust that the idea of slaughtering the animals ourselves may never be seriously considered. It is preposterous.

Upon a similar proposition—that of killing all the herd upon the islands—Senator MORGAN of Alabama made a minority report to the Senate on April 16, 1896. Senator MORGAN was one of the two arbitrators upon the Paris tribunal, selected by the United States. He declared that the provision to authorize the destruction of the seals by our Government proposed—

to add to the enemies of the fur seals on our islands the authorized agents and officers of the United States. * * * This (their destruction) can only be done while they are virtually prisoners, driven to the islands by the necessities of existence, which they can no more avoid than wrecked mariners could avoid taking shelter there from a tempest in Bering Sea.

Senator MORGAN also took the ground that Great Britain would have a right to insist that such a provision in law would be "a violation of the treaty rights of that Government in respect to the fur seals."

Senator John Sherman, of Ohio, at the same time, expressed his views in a minority report, as follows:

I place my opposition to this bill upon the ground that the proposed destruction of the seals by the United States is a cruel act, not to be justified even though the same result may be brought about by pelagic sealing. The measure proposed is dictated by apparent spite, because some other power will destroy them in another way. It is better to take the chances that Great Britain will give to the subject kinder and more generous treatment and join with the United States in making new regulations to preserve seal life.

The Secretary of the Treasury, the Hon. L. M. Shaw, in a letter to the chairman of the Committee on Ways and Means, dated February 7, 1902, says:

With reference to the proposition that all seals on the islands be killed and the skins sold by the Secretary of the Treasury, it is suggested that such action would be an admission that the position of this Government in the diplomatic controversy which has been for years and is now pending concerning the right of this Government to protect the seal life from wanton destruction is untenable. It would also involve serious loss of revenue, arbitrarily annul existing contracts, and invite criticism for the sanctioning of an act which might properly be termed barbarous.

I desire to state that the revenue from 1870 to date derived from the seal islands, exclusive of all expenses connected therewith, amounts to over $5,000,000. * * *

To destroy the source from which the Government may continue to derive a large sum per annum, even if pelagic sealing is not terminated, would, in my judgment, be unwise.

So much for those who are opposed to this proposal. The only person claiming to be an authority upon seal life who favored section 5 before the committee is a certain Mr. Henry W. Elliott, formerly an employee of the Smithsonian Institution and once a special commissioner of the United States for the purpose of investigating conditions of seal life. During the oral argument of Sir Charles Russell before the Paris tribunal on the fur-seal question, in 1893, Mr. Carter, of counsel for the United States, said, in reference to Mr. Elliott:

We have not referred to it ourselves—

That is, to Mr. Elliott's report—

in our case. We have carefully avoided everything of Mr. Elliott's.

The PRESIDENT. Is there any reason why the scientific authority of Mr. Elliott should be considered as not valuable?

Mr. CARTER. We totally distrust him and have carefully avoided him. He is a great favorite on the other side—

That is, the British side.

Further on Mr. Carter, still speaking of Mr. Elliott, said:

Oh, we distrust him, because we suppose that he is an untrustworthy observer, a man who is given to theories and not to an accurate dealing with facts. It is on this ground that we distrust him. He is not a man from whom we conceive the truth can be well and suitably gathered.

Mr. Phelps, also of counsel for the United States, in his argument before the same tribunal, makes this statement about Mr. Elliott:

The eminent jurist, Judge Swan, who throws some light upon the subject, and Professor Elliott came into violent collision. Judge Swan proceeds to refute all Elliott's science, depreciate his ability, and denounce his motives; and if you take Swan's judicial estimate of the man he would disappear from the case at once.

And further on:

What was the trouble? Mr. Elliott had been connected, as Judge Swan said—and I think he told the truth, probably; it would not be respectful to assume of any man with the title of judge that he would say anything else—that Mr. Elliott had been connected with the old company. There was a violent competition at Washington about the renewal of the lease, and the new company got it from the old, and Mr. Elliott's side was defeated, and then immediately after—that is to say, within two or three months, he made his appearance on the islands.

Now, Mr. Speaker, we are asked to confer this power upon the Secretary of the Treasury—to permit him, if he fails to bring about satisfactory arrangements with Great Britain, to destroy the entire seal herd—although such eminent authorities as Prof. David Starr Jordan, Senator MORGAN, Senator Sherman, and the Secretary of the Treasury himself have reported against it, with only one witness in its favor, Mr. Elliott, whose evidence was discredited by our own representatives before the Paris tribunal.

If we are to renew negotiations with Great Britain, as I trust we shall, let us do so with clean hands. Let us not condemn Great Britain for her barbarity and then announce that we propose to perform an act that is infinitely worse. If section 5 of the bill is intended seriously, it is, to quote President Jordan, preposterous. If it is intended as a mere diplomatic maneuver, it is absurd.

Were it possible to amend this bill by striking out section 5, there could be no objection to its passage; but inasmuch as that is not possible, inasmuch as we must accept it wholly or reject it entirely, I see no way that I can do my duty without asking the House to refuse to pass the bill. [Applause.]

I reserve the remainder of my time.

The SPEAKER. The gentleman from Minnesota has eight minutes remaining.

Mr. TAWNEY. I yield three minutes to the gentleman from Ohio [Mr. BEIDLER].

Mr. BEIDLER. Mr. Speaker, there are two points striven to be covered by this bill. One is the preservation of this seal herd, the other is putting a stop to the inhuman manner of killing them.

We have facts and figures presented to us that show clearly the main cause of the falling away of this herd from 4,500,000 individuals in 1872 to 200,000 now to be the fact that the females are killed in the sea and the young, their pups, so called, are allowed to die of starvation on the islands.

The gentleman from New York [Mr. MCCLELLAN] takes issue with section 5 of the bill and says it would be wrong to destroy this herd. If the present methods are continued there will be nothing to stop the extinction of the herd within a short time. In 1872 there were 100,000 4 and 3 year old male skins taken. In the year 1902, thirty years thereafter, out of a catch of only eleven thousand and some hundreds, only 424 skins were those of 4 and 3 year olds, showing that practically the herd is extinct to-day.

Under section 5 of this bill 10,000 females and 1,000 males are allowed to remain on the islands. All the herd being killed but that number, it will entirely put a stop to pelagic sealing and cause the herd to increase again as in former years.

I will now introduce the following correspondence and exhibits:

LAKEWOOD, OHIO, *December 3, 1901.*

Hon. J. A. BEIDLER,
House of Representatives, Washington, D. C.

MY DEAR SIR: Public abuses, public impositions, always prevail under our form of government until the attention of Congress and the Executive is centered on them. When that is fairly done, then they cease, and their abatement is usually prompt.

To that end I desire to enlist your aid in getting Congress to act at once in putting a stop, quickly, to that shameful condition of affairs on the Seal Islands of Alaska which, unchecked, will result in the extermination of the male life thereon by 1906, and in order that you may have a general idea of what that imposition on the public really is, and will continue to be to the bitter end unless you act in the premises, I respectfully submit the following:

In 1867, when Alaska passed into our possession, we received from Russia a herd of fur seals on the Pribilof or Seal Islands which I found by elaborate survey in 1872 to consist of at least 4,500,000 seals of all ages and classes.

To protect and save this herd of valuable and harmless animals, Congress in 1868 made these Seal Islands a Government reservation and put all the seal hunters that had rushed up and were about to rush up out of the field. In 1870, after much deliberation, it passed the act approved July 1, 1870, which leased the islands for a term of twenty years, restricted the annual catch of seals to 100,000 young males, and put the entire charge, responsibility, and detail upon the Secretary of the Treasury. The action of Congress was wise; it was in every way happy in its working, and no better step has ever been

suggested since, until the trouble dawned (in 1887) of pelagic hunting of fur seals upon the conduct of this business.

I will not recite the painful history of the scandalous, weak, and puerile management of our case against Great Britain which culminated at Paris August 16, 1893, and which cost us the loss of our fur seals; but worse than that, in another way, it reflected severely on our reputation for possessing mental acumen and common honesty, since our agents who managed the case had given no evidence before this tribunal that they were endowed with a single one of these attributes.

The abortive regulations of the Paris tribunal were put into effect, and proven by their resultant working to be worse than useless by the end of the sealing season of 1894. Stung by the loss of life so shamefully killed under the cover of law, the late Governor Dingley, then in the House, and the late Judge Gresham, then Secretary of State, called upon me for some suggestion of an effective step which, under the existing law, treaty, etc., could be taken by our Government to put an end to this misery and waste of life on the Pribilof Islands.

The result of this careful investigation and concerted work of Governor Dingley and Judge Gresham was embodied in what was known as the Dingley seal bill. It was first introduced by Governor Dingley (H. R. 8633) January 20, 1895, and was referred to the Ways and Means Committee, from which committee it was unanimously reported (No. 1849) by Mr. W. L. Wilson, the chairman, February 18. On February 22 it was unanimously passed by the House; but the sine die adjournment of Congress on March 4, 1895, did not give the bill time for action in the Senate.

Again Governor Dingley introduced the bill (H. R. 3206; Report No. 451) January 3, 1896; again it was fully considered by the Ways and Means Committee, and again it was unanimously reported to the House February 20, 1896; and on February 25 it was again unanimously passed by the House after full debate.

The Senate Foreign Relations Committee acted promptly, and it was favorably reported by Mr. FRYE March 4, and made a special order for Thursday, March 16, 2 p. m., and so placed on the Calendar.

Now, what happened to arrest and defeat this sensible, merciful bill? Richard Olney, who became Secretary of State after the death of Judge Gresham, in June, 1895, suddenly became impressed with the conceit that he could so manage the business as to abate this acknowledged imposition and nuisance without the help of that bill. He therefore wrote to Senator FRYE, saying so, in short, and asked that the bill be not taken up, for its passage "would greatly embarrass" him, if not "totally defeat the pending negotiations." Senator FRYE had no alternative. The bill was dropped.

Mr. Olney simply collapsed—he was quickly disarmed when the Canadians measured their wit against his, just as I knew he would be, and as the other friends of the Dingley seal bill predicted, when he had the want of good sense to interfere with it.

But the Canadians went further; they steered the dazed Mr. Olney into a renewal of the "joint commission" nonsense, which was so painful in its results for us at Paris; they persuaded Mr. Olney to believe that if he would send up an agent or two, "experts," to meet their "experts" on the islands—to meet them "informally;" that if these experts agreed upon any regulations as being better suited for the protection of the herd than the existing ones, why they would—well, yes, probably make the change.

Then Mr. Olney, finding that he could have a joint commission but not invested with any powers, loaded the affair upon the Treasury Department. Accordingly in June, 1896, we have the appointment of David Starr Jordan as a "commissioner in charge of fur-seal investigations," for the United States, appointed (June 18) by the Secretary of the Treasury. Mr. Jordan was aided by a half dozen of lesser lights whom he called his "staff," all of them, like himself, inexperienced.

The Canadians then secured the appointment of D'Arcy W. Thompson, a teacher of biology in Dundee University, Scotland, to pair off with Jordan, and one of their own scouts, Mr. James Macoun, to represent the British "staff." This "joint commission" of "experts"—Jordan with six associates and Thompson with only one—went to work to investigate into the real status of the conditions as questioned, in June, 1896.

The Canadians again went to work with the same success that distinguished their efforts when they skinned our agents at Paris in 1893. They ensalivated Jordan, flattered his conceit, and really got him to publicly declare, at the close of the first season's work, that he had "a perfect agreement with them" on "all matters of fact," and on "all questions of policy." (See CONGRESSIONAL RECORD, Feb. 28, 1897, p. 2619; remarks of Senator PERKINS.)

After playing with Dr. Jordan and his "staff" another season (1897), and long enough to get them well entangled, the Canadians steered them into a "fur-seal conference," and rejoiced in having that notorious architect of that botch of our case at Paris, John W. Foster, again to deal with, as the "special envoy and minister extraordinary" to manage Dr. Jordan's "perfect agreement" with them.

On the 16th November, 1897, our agents surrendered every point that we had justly made against an infamous industry to the Canadian keeping and satisfaction in the form of a "joint statement of conclusions," whereby our hands are officially tied in so far as executive action in either State or Treasury Department is concerned forever! [We are, free, however, to clean up the wreck and stop the imposition by act of Congress.]

When the Canadian minister of marine and fisheries openly boasted a few days after this surrender of our case was made, he did not take the power of Congress into mind or he would not have said this:

"TORONTO, *November 27, 1897.*

"Sir Louis H. Davies, at a meeting of the Liberals here last evening, referred to his recent visit to Washington to attend the seal conference. He said:

"'The seal experts settled the question of fact in such a way that hereafter it can not be opened up. We know exactly where we are.'"

Yes, but we know, too, Mr. BEIDLER, what he does not know—that you and your fellow-members have the power to show him and his pelagic crew that this question can be opened up in spite of the folly of one agent or the dull wit of another.

I therefore inclose a copy of the Dingley seal bill of 1896, and ask that you modify it so that it will apply to the present day and date and introduce it at your earliest convenience. The passage of this bill at an early day in the session and before the pelagic sealing season opens in Bering Sea for 1902 will put an end to an infamous industry, save the fur-seal species from extermination, and heal a running sore.

The argument for its passage which I made February 18, 1896, before the Ways and Means Committee was printed by that committee, and I inclose a copy for your information.

In order that Congress may understand the utter uselessness and the mischief in the premises caused by the result of Jordan's work in 1896-97, I also inclose a review of its salient blunders and most inexcusable mistakes—only a few of them; to dress them all down would necessitate the cutting of every page in his report, and the time for that complete work is not at my command at present; it is not necessary, either, for what I have opened up to public view in this revision inclosed is ample, and enough to illustrate the ignoble failure of his work and his idle attempt to better that shameful order of affairs on the seal islands of Alaska, which has been so mischievous in its resultant "joint agreement" with the agents of the pelagic hunter. I also inclose that "agreement," item by item, as he signed it with his British associates, and have placed the items of "fact" which he prepared himself for that "agreement" side by side with those items of "fact," which the Canadians persuaded him to sign, and thus surrender his own. (Exhibit B et seq.)

In this amazing State paper we are placed in the absurd light of officially declaring that under existing law, regulations, and trade condition the fur-seal herd of Alaska was and is entirely secure from extermination of the species; that it had reached in 1897 as low an ebb in its form and number as it ever would, since the killing on land and in the sea had become unprofitable to both land and sea butchers, on account of the small number of seals left alive on the islands; that an equilibrium had been attained.

The exact reverse of this "joint conclusion" is the truth; the fur-seal herd is in danger of immediate extermination, and the proceeds of the pelagic hunter's work have netted him an enormous profit in 1900 and again in 1901—over 100 per cent profit.

This astounding ignorance of the true condition of affairs on the seal islands of Alaska is repeated by the perfunctory report of the Secretary of the Treasury, Lyman J. Gage, to Congress, last December, wherein not a single hint of the swift impending extermination of this life in his charge is given to the public; it is charitable to believe in his ignorance, and so let him pass into that mass of official wreckage which the mismanagement of this business since 1890 has heaped up in Washington.

The entire record of this conduct since 1890, on our part, of the Alaskan fur-seal business, save that brief interval of Governor Dingley's and Judge Gresham's work in 1895-96, has been one uninterrupted narrative of shameful, humiliating failure. In order that an end be made to any possibility of another exhibition of stilted tomfoolery at the expense of the American public over the pretense of saving our fur-seal herd from that indecent and ruinous extermination of the species, now right at hand. I earnestly urge you to act. Put in that Dingley seal bill of 1896, and push it to its final passage. It is a merciful measure, and unless it is enacted the complete destruction of the fur-seal species of Alaska will take place in 1906-7.

Very sincerely, yours,

HENRY W. ELLIOTT.

EXHIBIT A.

Analysis and review of the report of Dr. D. S. Jordan, submitted to the Secretary of the Treasury February 24, 1898, as "Commissioner in charge of fur seal investigations," 1896-97.

[Only the salient and chief errors are noticed in this connection; the lesser and unimportant items are passed without mention.]

THE INITIAL BLUNDER.

The final report of Dr. Jordan on the fur seals of the Pribilof Islands has been recently issued. The preliminary reports of this gentleman in 1896 and 1897 have been variously commented on in the press as they appeared, and the public generally were lead to believe that some practical good was to accrue from the investigation which he was conducting; but our people now know that Dr. Jordan's "perfect agreement" with the British agents was a simple delusion which he so joyfully announced to the United States Senate, through Senator PERKINS, in these words: "England shows every indication of a desire to do the fair thing. This intention is especially clear in the fact that she has sent an honorable commission which is familiar with all the facts ascertained by us, the head of the commission having been with me every day throughout the summer, and he and I being in agreement on all questions of policy, as well as on all matters of fact, so far as was developed by our conversations during the expedition." (CONGRESSIONAL RECORD, February 28, 1897, p. 2619.)

How badly Dr. Jordan failed to understand his British colleague was made plain by that gentleman's report to his Government, issued May 10, 1897, in which Dr. Jordan was taught the sober lesson that Professor Thompson did not subscribe to him in any question of policy respecting the management of the fur-seal herd, and to no essential details of fact. (Report of Prof. D'Arcy Thompson on his mission to Bering Sea in 1896, dated March 4, 1897; U. S., November 3, 1897.)

Now that Dr. Jordan has given public evidence of his utter inability to understand what his own field associate on the seal grounds in 1896 intended to say or do, I believe I have a good right to show that Dr. Jordan has made an equally grave blunder in regard to what I did on the seal islands in 1872-1874, and is equally incompetent to understand what I have said. In the final report of his investigation, above mentioned, he devotes a large space to the subject of my work on the census of the fur-seal herds in 1872-1874, and in this space endeavors to show that I was "merely guessing," and making "Mr. Elliott wholly devoid of mathematical sense, or else must have failed to appreciate what his figures really meant."

In Dr. Jordan's preliminary report of 1896 (Treasury Dept. Doc. No. 1913) he alludes to this census work of mine in no such language, and mildly doubts the probability of my figures being right; he does not in this report give me the warrant to handle him without gloves which appears in this his final report, and to handle him at once on this question is both my pleasure and a public duty.

Let me describe my early mission and its auspices. I first set out in April, 1872, for the seal islands to gather information and collect for the Smithsonian Institution. When I arrived on the islands, April 22, 1872, I landed there without the slightest pressure from anyone or instructions to work out a case for lawyers and diplomats to tinker over and botch. I was to get the data as to the life history of the fur seal by observing that life on the ground, and to make as full a collection of the skins, skeletons, etc., as the circumstances of my living on the islands would permit.

I was received in the most cordial manner on the islands by both Government and lessee agents; every facility given me to work, and everything that I questioned or inquired into was answered and opened in perfect good faith and to best of the ability of those men. I quickly made myself acquainted with enough of the Russian language so that I could freely get the personal ideas and facts possessed by the Aleuts or natives bearing on the seals, thus checking my inquiries from one person to another. I never was misinformed by design, and by so doing never permitted myself to be deceived on that score. I devoted three consecutive seasons—1872, 1873, 1874—to close biological study of the fur-seal life, spending the winter of 1872-73 on the islands so that I could see with my own eyes the entire routine of arrival and departure of the seals from their haunts on the islands. The result of these studies was first briefly epitomized and published by the Treasury Department in 1874, and finally when I found that I could not so arrange my private affairs as to permit of a two years' absence from home in order to study the Russian herd, I gave my elaborated work of 1872-1874 to the late Gen. Francis A. Walker, at his solicitation, with the sanction of the Smithsonian Institution, for publication as one of the initial monographs of the Tenth Census, United States of America.

In this monograph it became imperative to omit much detail in the line of my record of daily observations on the rookeries, because if it were all

incorporated the volume would be too bulky, compared with the other monographs ahead, for the funds of the Census Office to print; therefore my original colored rookery maps and hundreds of notes and illustrations carefully drawn from life were excluded, very reluctantly, by the authorities, and only then because they believed I had covered the ground fully, even in their abridged form. When I suggested to Professor Baird that all of the details of my chapter on the census of the seals, pictures, maps, and all, should be incorporated, he replied, saying that I had made it clear enough and easily understood in the abridged version.

Repeatedly since the publication of that monograph in 1882 has this question of the population of the fur-seal rookeries on the Pribilof Islands been raised in my presence by naturalists of far greater ability than Dr. Jordan, and I have never failed to satisfy them of the substantial soundness of my views and figures. Now that Dr. Jordan at this late hour attempts to impeach their integrity, I propose to impale his sophisms, assumptions, and misstatements on a few pointed facts.

Dr. Jordan says (on page 77): "The next attempt at enumeration was made in 1872-1874 by Henry W. Elliott, special agent sent by the United States Treasury Department to investigate the condition of the herd. He followed the same general method inaugurated by Captain Bryant, finding the shore extent and width of the rookeries and allotting a certain space to each individual animal. He, however, worked out the plans in much greater detail." This is a deliberate misstatement of fact. Captain Bryant made an estimate in 1870 of the area and extent of the breeding grounds of the Pribilof Islands, when at the time he had never laid his eyes on a single rookery on St. George Island, and had seen but three of the seven breeding grounds on St. Paul, and these he saw through a telescope from the deck of a steamer. He then made the assertion that "there are at least 12 miles of shore line on the island of St. Paul occupied by the seals as breeding grounds, with the average width of 15 rods. There being about 20 seals to the square rod, gives 1,152,000 as the whole number of breeding males and females. Deducting one-tenth for males leaves 1,037,800 breeding females." He then proceeded to estimate the St. George seals at "about one-half the number of St. Paul."

By the very nature of things this estimate was a mere guess. The author of it never saw one-hundredth part of the area he figured on, and he did not know enough of the animals, and for that matter never knew enough, to understand that placing 20 of them on a square rod of superficial area was a ludicrous expansion of their real method of hauling on the breeding grounds. It was the frank and good-natured personal admission of the old man Bryant to me, when I went up with him on the same steamer to the islands in April, 1872, that he did not know anything definite about the subject; that he was merely guessing, as any old whaler might calculate "dead reckoning" in a fog, that caused me to set so promptly to work when I arrived on a preliminary topographical survey of the area and position of each breeding ground on the islands, as well as making surveys of the entire shore lines of both. But I had no idea as I began the work and completed it, in so far as the landed area went, of making a census of the seals upon the line of Captain Bryant's speculation, because I early saw that there were so many variations in the sizes of the seals, the irregular massing and unmassing of the harems, that the plan of locating just so many adult seals to a given area was impracticable.

But as I hung over these rookeries day after day I became impressed with the fact that no matter whether the mother seals were present on the ground, or absent on their food excursions, their pups, or young ones, never left the immediate area of their birthplace on the rookery up to a time in the season not later than the 10th or 20th of each July; that if I counted them in a given area during that period I should then know just how many cows belonged to it, and only by taking the pups as my guide could I get at the real number of females; the males were steadfastly on the ground all the time, and then a general estimate for the number of virgin females could be made on the ratio of this pup count, as it was the basis of the birth rate of the entire herd.

While this subject grew upon me, I called the attention of my associates on the island (St. Paul, 1872-73) to it. One of these gentlemen, Mr. William Kapus, was an unusually well-educated man (the company's general manager) and a man of affairs as well. He took a deep interest in the solution of this seal-space problem, as I presented it to him in the following form, also Dr. Kramer, the surgeon, another cultivated, scholary man, aided me in the inquiry:

1. The seals haul out on these breeding grounds with great evenness of massing—never crowded unduly here or scattered there—so evenly that if suddenly every mother were to appear at the height of the season there would be just room enough for all, without suffocating or inconveniencing their lives on the rocks.

2. That in estimating the number of seals in the breeding grounds we must make the number of pups present at the height of the season the unit of calculation, because their mothers are never all present at any one time, not half, and at many times not one-third of them are; that the height of the breeding season is between July 10 and 20 annually.

Upon these two fundamental propositions I stirred up a vigorous discussion and examination as to their truth or untruth among the white men then on the islands, or St. Paul Island especially, late in 1872, and until the close of the season of 1873 the settlement of this question was left open. Then each and every white man on the islands at that time (there were nine of them) subscribed heartily to the truth of these, my assumptions, as a true working hypothesis.

Now, what does Jordan say about this particular law of even distribution on the rookeries which I formulated in 1872? Before I quote him I want to say that Jordan when he landed on the Pribilof Islands for the first time in his life, July 8, 1896, saw nothing but a ghostly remnant of the life I was observing and studying in 1872-74. The few seals that have in declining generations survived and were wandering about over the edges of those immense areas of deserted hauling grounds of 1872 and had ranged themselves in widely scattered and irregularly massed harems on fringes of the abandoned rookery slopes of 1872 became to his inexperienced eye "a great many thousands" and "a strong nucleus." Never having seen what I saw, he became deeply impressed with the form of what only aroused my pity in 1890, as it had stimulated my wonder and admiration in 1872-1874. With this wretched understanding and loaded to the gunwale with it, Jordan says in regard to my basic propositions as above cited:

"One who is familiar with the nature of the breeding grounds can not help feeling that in the foundation of this law Mr. Elliott did not have the picture of the rookeries before him. Had he traveled over the length and breath of the rookeries, as was done in 1896 and 1897, he never would have proposed such a law; that there should be as many seals to the square rod on the jagged and broken lava rocks of Kitovi or on the broken slopes of Gorbatch, where the animals are now, and must have then been, separated by bowlders weighing tons, should be the same as on the smooth sand flat of Tolstoi or the level slope of Hutchinson hill, is on the face of it impossible."

Just because I had traveled over these rookeries day in and day out, when seals were there and when absent, was why I recognized this law of distribution, and I will safely venture to say that I have taken two steps to Jordan's one in this work on the rookery grounds. With every fissure and embedded lava rock (these loose "bowlders weighing tons" on Kitovi, and only few such "bowlders" on Gorbatch) I am familiar, and I found to my surprise at first that Kitovi was an ideal massing ground for the breeding seals, and Gorbatch also; that these jagged rocks, nearly all deeply embedded in the detritus of the cinder and lava slopes, actually carried more seals than if they were perfect plane surfaces. Wherever I found a miniature lava butte on these breeding grounds (they are all of volcanic superstructure) that the seals could not scale or otherwise occupy, the area of the same was deducted from the sum of square feet belonging to the ground, and I never made the "blunder of assuming the same distribution everywhere," by taking this precaution and in the following way:

First, I carefully located the herds as they lay on the several breeding grounds during the height of the season, i. e., between July 10 and 20, which I discovered to be the time in 1872. This location was rapidly and accurately made on a land chart of the rookery ground prepared early in the season and before the seals had hauled out. By having these charts all ready, with the stations from which my base lines and angles were taken, all plainly in my view when the seals hauled out, it was a simple thing to place the bearings of the massed herds on the chart. The Reef and Gorbatch grounds made a busy day's work, and no more for me because thus prepared; the same of Zapadnie; Tolstoi easily finished in half a day; same of Lukannon; same of Kitovi; Polavina a short day's work, while Novastoshals, or the large Northeast point breeding ground, took the best part of two days. The St. George rookeries were handled in even shorter time by this method.

Not content with assuming that I had not traveled over the rookeries as he had, Jordan proceeds to ignore the written record of my work in regard to counting the pups. On page 79 of his report he makes the gratuitous assertion that I did not know that all the breeding seals were not present on the rookeries at any one time during the height of the season. Mark his language, which my published work in 1880 disproves every word of: "But of these things Mr. Elliott was not aware. He was content to assume that all the cows were there."

What do I say about these cows, published sixteen years before Jordan ever saw a cow seal, and then for the first time on the Pribilof rookeries? "The females appear to go to and come from the water to feed and bathe quite frequently after bearing their young, and usually return to the spot, or its immediate neighborhood, where they leave their pups." * * *

Again I say: "A mother comes up from the sea, whither she has been to wash and perhaps to feed for the last day or two." * * * (Page 39, Monograph, Seal Islands of Alaska. Washington, 1880.) And still worse for Dr. Jordan, on pages 104 and 105 of the same monograph, Fish Commission edition, 1882, appears the still more explicit proof of his deliberate inability to give credit to truth. What better impalement of Jordan can be devised than these words of mine: "The umbilicus of the pup rapidly sloughs off, and the little fellow grows apace, nursing to-day heartily, in order that he may perhaps go the next two, three, or four days without another drop from the maternal fount; for it is the habit of the mother seal to regularly and frequently leave her young on this, the spot of its birth, to repair for food in the sea. She is absent by these excursions, on account of the fish not coming inshore within a radius of (at the least) 100 miles of the breeding grounds, though intervals varying, as I have said, from a single day to three or four, as the case may be."

And with this published record of my thorough understanding of the truth that the cows are not present all the time, as early as 1872-1874, in his hands, Dr. Jordan deliberately attempts to rob me of that credit which naturalists all over this world have given to me, and still give for my accurate work on these islands. I say he "attempts," and I say it advisedly, for that is all it amounts to.

From this unjustifiable misrepresentation Dr. Jordan proceeds to make an analysis of my figures of the population of the seal rookeries, as published in 1872-1874 and enlarged upon by me again in 1880. Now he steps upon ground of legitimate criticism, and I am more than ready to meet it. With reference to my figures (Monograph, Seal Islands, p. 61), he says: "Waiving for a moment the method of obtaining these figures, we may remark that they are not easy to understand. Of this total 'of breeding seals and young,' Mr. Elliott, in the same connection, tells us that 1,000,000 'are young.' There must, then, be an equal number of mothers, or 2,000,000 adult breeding females and their pups. To this must be added the young 2-year-old cows that are included, though not present. Mr. Elliott has himself given us an estimate of these. Considering, of the 1,000,000 pups born 500,000 are females, he says 'that at least 225,000 of them safely return in the second season after birth.' This, therefore, gives us a total of 2,225,000 females and young in the complete estimate of 3,193,420, leaving 868,428 animals which can only be accounted for as breeding bulls. This is impossible, and yet no other explanation of the discrepancy is at hand."

This is exactly quoted as it stands in Dr. Jordan's final report, page 79; and if it were not for the deliberate misstatement that "Mr. Elliott in the same connection tells us that 1,000,000 'are young,'" there might indeed be "no other explanation of the discrepancy" at hand. But "in the same connection" I do not say anything of the kind about only 1,000,000 pups being born out of this grand total on the Pribilof Islands; on the contrary, on page 61 (Monograph, Seal Islands), I present a carefully tabulated statement of the exact ratio of seal life on the several breeding grounds of the Pribilof Islands, summing it up by the square feet of sea margin, multiplied by the average depth as "grand sum total for the Pribilof Islands (season of 1873), breeding seals and young, 3,193,420," saying as I do so that these figures as above show this total. Then I proceed to open another and distinctly separate enumeration of the nonbreeding, or bachelor, seals, which I clearly declare entirely outside of any basic calculation, having no initial point like the breeding seals; and I close this summary of the seal life on the seal islands on the following page.

Then I take up under an entirely different caption an entirely different question. I take up then the question of "The increase or diminution of the seal life, past, present, and prospective." I enter upon a purely speculative theme and do not attempt to speak except in broad, general terms. Taking up that subject in this connection and not in conjunction with the statement of facts preceding it, I enter upon a hypothetical expression of what I believe the loss of life sustained by the young seals amounts to. I use the broad general assertion that "1,000,000 pups or young seals, in round numbers, are annually born upon these islands of the Pribilof group every year." Naturally to point my speculation in figures of loss, which follows, it is better and easier to say "1,000,000" than 1,296,710, which would be the exact line of figures if the speculation was treated as a matter based upon fact.

But I merely assume that half of the pups get back as yearlings next year, and that assumption is as well or better illustrated by a general figure than a specific one. The result is precisely the same anyway, and really has in either case of exact or general figures the same value. In my own mind at the time I was inclined to think that fully one-half of these pups did not get back, and so I preferred the general or indefinite figure rather than to strain an exact division of the pups into a vague theory. Jordan himself is guilty of this fusion of fact and theory repeatedly in his report. But I never have permitted it in my work.

Then Jordan proceeds to make himself still more erroneous in assumption. He says: "But if these figures were in themselves reasonable we must still take exception to the method by which they were obtained. * * * On his method of surveying the rookeries Mr. Elliott has given us practically no data."

The stupidity or else the effrontery of this statement as to my giving him no data can be well understood by reference to the elaborate charts of these breeding grounds which are published in my report of 1890. (H. R. Doc. 175, Fifty-fourth Congress, first session.) These surveys were so elaborate and so full of detail that General Walker, in 1890, was unable to publish them in the Census Monograph owing to lack of funds for their preparation, and I reluctantly inserted a small series of indeterminate pen and ink sketch maps to illustrate the general idea; but in 1890 I took them up to the islands with me and placed my work of that season on them in turn, making in this way the very best contrast of the condition of 1872–1874 with that of 1890 that could have been devised.

Unlike Dr. Jordan, I am not a barber's apprentice in topographical work. I served three summers under the best of topographers in the field, 1869–1871, inclusive, doing exactly such work as this on the seal islands—i. e., making original surveys of unmapped districts in the Rocky Mountain region. Until I made my surveys of the seal islands in 1872–1874 there was nothing on the maps that faintly resembled the area, the contour, or the topography of the Pribilof group. The Russian charts of them were perfect caricatures and the American copies no better.

So good were my charts of St. Pauls Island that a surveying party of the United States Coast Survey, when it landed there in July, 1874, asked for and received from me copies of it, which they did not alter in the slightest noteworthy degree after spending a week on the ground, and it was shortly after published by the Coast Survey Office, with scant credit to me, its author. However, I care nothing for that, and I only mention it because Dr. Jordan calls in one of his subordinates to appear as a swift witness against me as a surveyor. Jordan says: "Of these maps Captain Moser, in his hydrographic report on the islands, made certain tests. Of Mr. Elliott's shore line he says: 'It was a bad misfit, and rarely stood the test of an instrumental angle.' He further says of the topography of the maps that 'it is so vague and indefinite that it is next to impossible to do anything with them. I should call them sketches.'"

It will do Jordan good and take the conceit out of this Captain Moser to know that these charts of mine stood the test of instrumental angles to the entire satisfaction of Capt. J. G. Baker, United States Revenue Marine, and Lieut. (now Captain) Washburn Maynard, United States Navy in 1874, and Captain Colson, United States Revenue Marine, in 1890. Each and every one of those trained hydrographers expressed their approval of these charts and their surprise at the accuracy with which I had plotted the shore lines. Captain Maynard in 1874 went all over the rookeries with my detailed charts of the same, made in 1872–73, and between us there we verified and corrected every one of them, so that these records which I made in those years can not be whistled down the wind by an inexperienced or jealous man or men.

Following this attempt to destroy the sense of my chart work (on p. 80), Jordan raises a question and then answers it, as usual, wrong. He says: "To each one of the seven of the ten rookeries of St. Paul Island Mr. Elliott ascribes an average width of 150 feet. Two of the remaining breeding grounds have an average width of 100 feet each, and the third 40 feet. * * * Whatever the average width of each rookery may have been, it was certain it was not the same for all. Neither now nor at the past times Tolstoi, Polovina, Vostochin, the Reef, Kitovi, Lukannin, and Zapadin had the same average width. The 150 feet is a guess, and that only."

A guess, and that only! Indeed! The utter ignorance of the method of my work which Dr. Jordan assumes, or really is afflicted with, can be well understood when I take up for instance the case of Tolstoi, to show how easy it is for certain people, like Jordan, who, having ears, hear not, and eyes, see not. On page 38 of my 1890 report, which was in Jordan's hands when he first started for the seal islands, appears the following detailed explanation of each and every step taken by me in surveying each and every rookery, as well as Tolstoi.

Detailed analysis of the survey of Tolstoi rookery July 10, 1890.

[Sea margin beginning at A and ending at D.]

	Square feet.
800 feet sea margin between A and B, with 80 feet average depth, massed	64,000
400 feet sea margin between B and C, with 60 feet average depth, massed	25,000
1,600 feet sea margin between C and D, with 10 feet average depth, massed	16,000
Jag E has 300 feet of depth, with 40 feet average width, massed	12,000
Jag F has 100 feet of depth, with 40 feet average width, massed	4,000
Jag G has 120 feet of depth, with 40 feet average width, massed	4,800
Total square feet	124,800

The annexed colored chart that this legend illustrates carries all these stations and base-line points in detail. Every topographical feature is faithfully indicated on it, and these specialized lines of average depth were drawn over these sections of the herd as it lay upon the ground on that day and date—the proper time of the season.

Now, in order that this detailed analysis of Tolstoi can be summed up in one compact sensible expression, I take the entire length of its sea margin—2,800 feet—and divide the entire sum of its square feet of massed area—124,800 feet—by it. That enables me to say: "July 11, 1890, Tolstoi has 2,800 feet of sea margin, with 44½ feet of average depth, 124,800 square feet of superficial area, making ground for 62,400 breeding seals and young."

Here is the result in detail of my survey of Tolstoi in 1872, which was verified by myself and Capt. Washburn Maynard, United States Navy, in 1874:

Detailed analysis of the survey of Tolstoi rookery, July 15, 1872.

[Sea margin beginning at A and ending at D.]

	Square feet.
1,000 feet sea margin between A and B, with 350 feet average depth, massed	350,000
400 feet sea margin between B and C, with 150 feet average depth, massed	60,000
1,600 feet sea margin between C and D, with 30 feet average depth, massed	48,000

Three thousand feet sea margin on Tolstoi breeding ground and 458,000 square feet in it, making ground, in round numbers, for 225,000 seals.

It will be noted that in this Tolstoi summary for 1872 I ignore the real presence of 8,000 square feet and deliberately reduce that estimate of seals from 229,500 to 225,000, because I never ran the risk in my work of 1872 and 1890 of being a foot or two ahead of the real average. I carried this cautious reservation all through my surveys of each and every rookery, and this is the reason why Captain Maynard, my associate in the work of 1874, makes his estimate, based upon this survey, of the sum total of Pribilof seal life so much higher than mine. He declared that he was satisfied, from close personal supervision of taking all our land angles in 1874, that I was safely inside of the real limit of supervision, and that the figures of the survey were conservative and right. He was then, as he is now, a skilled mathematician and hydrographer, and he had the right to his opinion based upon the figures of that careful work. Yet Jordan has the sublime ignorance in 1898 to sneer at this unbiased, careful survey of 1872–1874 by saying "the 150 feet is a guess, and that only" (p. 80, note).

I used these figures of 1890 in detail for Tolstoi because I do not give the detailed analysis or figures of 1872–1874 (only the summary) in my 1890 report of its sea margin and square feet, viz, "3,000 feet of sea margin, making ground for 225,000 breeding seals and their young," not deeming it necessary to produce so many detailed figures, when my charts for both seasons were in full evidence in the published work of 1890.

As with Tolstoi, so with every other rookery on the Pribilof Islands. But Jordan, holding all this incontestible proof of careful survey in his hands, can not "verify Mr. Elliott's surveys of the rookeries!"

Jordan, also, in this connection has been careful not to quote the reason why I made these elaborate charts in 1872–1874. If he did, he would render his method of counting the seals, or, rather, guessing at the exact count of individual bulls, cows, and pups, idle and abortive. I said in 1874, speaking of my law of uniform distribution of breeding seals on the rookeries:

"This fact being determined, it is evident that just in proportion as the breeding grounds of the fur seal on these islands expand or contract in area from their present dimensions, the seals will increase or diminish in number." How well my charts of 1890 laid upon those of 1872–1874 tell that story! How futile the rambling and self-contradicting seal-counting work of Jordan to express the truth! Listen to Jordan himself, on page 101. He unwittingly trips himself there on this very point: "The only reliable basis of enumeration has been found and determined. This is a count of live pups." (This is what I published in 1872–1874.) Then on page 341, part 2, Jordan hamstrings himself in the following language:

"It is evidently impossible to make an accurate census of the seals on St. Paul Island, because on the great rookeries, as the Reef Gorbatch, Tolstoi, and Zapadin no one can either estimate or count the cows (sic). Nor can one do it at Polovina, because there is no one point of view where the whole rookery is visible. Even the bulls can be only roughly estimated." Very true, Dr. Jordan, but why does Dr. Jordan on page 83, part 1, call in this remarkable witness to his own inability to reason on his own lines of argument? "In the same year (1879) Mr. Beaman records under date of June 10 that 'there were a couple of thousand bulls' on Polovina rookeries, when Mr. Elliott estimates fully 10,000 in 1874."

I never made the blunder of attempting to count all the bulls, all the cows, or all the pups on any rookery in 1872–1874. The utter stupidity of such a step never entered my head. It never did in 1890, even, when the ragged remnant of the great life of 1872 was before me. It has only remained for Jordan and his job lot of assistants to race up and down these desolated breeding areas in their idle attempts to do so; and the record of the self-contradiction of their own work bristles with the folly of it on a score of pages in his report.

Having made this exhibition of careless incapacity to grasp details of evidence easily at hand with which to guide him to an authentic statement of what the form and numbers of our fur seal herd were in 1872–1874—a point of departure of vital importance to the success of any argument in showing the decline of this herd, and the absence of which in his (Jordan's) report has been repeatedly alluded to by Lord Salisbury as sufficient warrant for Her Majesty's Government in refusing to accept our complaint or assertion that a dangerous decline of the herd had taken place—having done so, Jordan then proceeds to make the matter still worse for himself and our cause, which, unfortunately for us and the seals, he was in charge of at the time.

On page 80, Dr. Jordan says: "But aside from the question of accuracy in the surveys themselves, Mr. Elliott has assigned an impossible space to each individual seal. His unit of space is two square feet to each animal, young or old, or four square feet for the cows, ignoring the pups. * * * In a standing position she (the cow) would need at least three square feet, but as the cows are constantly moving about, and coming and going to and from the sea it is impossible to limit one to such a space."

At this point, and in this connection, Jordan may be pardoned for his inability to understand the massing of the breeding seals in 1872–1874, when there were seven to ten times as many of them as contrasted with their number when he first saw them in 1896.

In 1890, when I landed on the seal islands after a continuous absence from them for sixteen years, the sight of their abandoned and shrunken seal grounds impressed me instantly. Not so were the newcomers, the Treasury agents who traveled up with me. They, like Jordan, only saw "thousands of seals—many thousands," and it was really hard to get them to appreciate the gravity of the condition of the herd. I told them on the 1st of June, 1890, that they would not get the quota of 60,000, and not a man, agent of company or Treasury, or a native for that matter, then agreed with me on the islands. But by the end of the month they saw the truth as I had declared it.

Here is what I published in 1872–1874 relative to the seal unit of space, and it is clear enough to men who have reasoned to the line with me on the ground itself—to men like Captain Maynard, United States Navy, 1874, and William Kapus, general manager of the lessees in 1872–73, and all of their official associates who were with them at that time:

"Rookery space occupied by single seals.—When the adult males and females, 15 or 20 of the latter to every 1 of the former, have arrived upon the rookery, I think an area little less than 2 square feet for each female may be considered as the superficial space required by each animal with regard to its size and in obedience to its habits, and this limit may safely be said to be over the mark. Now, every female or cow on this 2 feet square of space doubles herself by bringing forth her young, and in a few days or a week, perhaps, after its birth the cow takes to the water to wash and feed, and is not back on this allotted space one-half of the time again during the season. In this way is it not clear that the females almost double their number on the rookery grounds without causing the expansion of the same beyond the limits that would be actually required did they not bear any young at all? For every 100,000 breeding seals there will be found more than 85,000 females and less than 15,000 males, and in a few weeks after the landing of these females they will show for themselves—that is, for this 100,000—fully 180,000 males, females, and young instead, on the same area of ground occupied previously to the birth of the pups.

"It must be borne in mind that perhaps 10 or 12 per cent of the entire number of females were yearlings last season and come up on to these breeding grounds as nubiles for the first time during this season—as 2-year-old cows; they, of course, bear no young. The males, being treble and quadruple the physical bulk of the females, require about 4 feet square for their use of this same rookery ground; but, as they are less than one-fifteenth the number of the females, much less in fact, they therefore occupy only one-eighth of the space over the breeding ground, where we have located the supposed 100,000. This surplus area of the males is also more than balanced and equalized by the 15,000 or 20,000 2-year-old females which come on to this ground for the first time to meet the males. They come, rest a few days or a week, and retire, leaving no young to show their presence on the ground.

"The breeding bulls average 10 feet apart by 7 feet on the rookery ground; have each a space, therefore, of about 70 square feet for an average family of 15 cows, 15 pups, and 5 virgin females, or 35 animals for the 70 feet—2 square feet for each seal, big or little. The virgin females do not lay out long and the cows come and go at intervals, never all being on this ground at one time;

so the bull has plenty of room in his space of 70 square feet for himself and harem.

"Taking all these points into consideration, and they are features of fact, I quite safely calculate upon an average of 2 square feet to every animal, big or little, on the breeding grounds at the initial point upon which to base an intelligent computation of the entire number of seals before us. Without following this system of enumeration, a person may look over these swarming myriads between Southwest Point and Novastoshnah, guessing vaguely and wildly at any figure from 1,000,000 up to 10,000,000 or 12,000,000, as has been done repeatedly. How few people know what a million really is! It is very easy to talk of a million, but it is a tedious task to count it off, and makes one's statements as to millions' decidedly more conservative after the labor has been accomplished."

"*Transcript from the author's field notes of 1874.*

"NAH SPEELKIE, *St. Paul Island, July 12.*

"I am satisfied to-day that the pups are the sure guide to the whole number of seals on the rookeries. The mother seals are constantly coming and going, while the pups never leave the spot upon which they are dropped more than a few feet in any direction until the rutting season ends; then they are allowed, with their mothers, by the old bulls to scatter over all the ground they want to. At this date the compact system of organization and massing on the breeding grounds is solidly maintained by the bulls; it is not relaxed in the least until on and after July 20."

Now with this life study before him, proportioned to the exact attitudes, sizes, and disposition of a harem of fur seals, what does Jordan say? Hear him: "It is true that Mr. Elliott justifies in part his small unit of space by certain references to the coming and going of the animals. He asserts that after the pups are born the 'individual cows are' not on their allotted space one-fourth of the time, and that the females 'almost double their number on the rookery ground without expanding its original limits.' But Mr. Elliott failed to grasp what this really meant. He sees in it only justification for the unit of space, which he has assigned to the individual animals. It should have called his attention to the fact that the breeding seals which he saw before him and which he was attempting to enumerate were but a part and not the whole of the rookery population."

It seems utterly incredible that any man with the least regard for the express command of written directions like those which I have published as above quoted could make such a ridiculous and senseless reduction of them. Dr. Jordan has, however, done so, and here we have the evidence of his weakness in cold type.

THE CLIMAX TO THE INITIAL BLUNDER.

Inclosing this particular review of the initial error of Dr. Jordan, who is building upon its assumption the whole structure of his computation of the numbers of the fur seal herd in 1872-1874, I will bring out into the light one of the most striking and curious blunders of the very many which he has made in this report. He has a peculiarity of asserting one thing as a fact, and then soon after, in the same sequence, he unwittingly brings in the proof of his having been mistaken as to this assumption of that fact. Perhaps the most unfortunate one of these cruel stultifications of his own making appears in the report, as follows:

On page 83 of part 1, he says:

"Mr. Elliott ascribes to Spilki rookery a population of 8,000 cows and pups in 1874, and something like 200 bulls. It is recorded by Agent Beaman in the log for the year 1879 that this rookery on June 20 (a date at which all of the harem bulls must have been in place) had 23 bulls. This is less than one-tenth of Mr. Elliott's estimate.

"In the same year Mr. Beaman records, under date of June 10, that there 'were a couple of thousand bulls' on Polavina rookery, where Mr. Elliott estimates fully 10,000 in 1874.

"While these entries do not give us definite proof as to the early condition of these rookeries, yet they clearly and conclusively show that Mr. Elliott's figures are grossly exaggerated."

If Mr. Beaman can be quoted here as an authority to show the "gross exaggeration" of my work in 1872-1874, how will it seem if I can quote Mr. Beaman from the pages of this same document, of Jordan's own composition, showing that Jordan himself is guilty of "gross exaggeration?" Observe the following on page 274, part 2, under the head of "1880:"

"*May 21.*—Eighty-six bulls holding positions were counted on Gorbatch. The number on the other side (i. e., the reef side) could not be counted. There were probably 300 in all, including both sides."

"*May 24.*—An inspection was made on Kitovi and Lukannon rookeries; 112 bulls counted on Kitovi and 142 on Lukannon, with a possible error in the count of 25 to 30."

Dr. Jordan, in placing these quotations in his report, as cited above, puts a footnote under them saying that these notes of Mr. Beaman are the work of a real "wide-awake agent" of the Government, and it is a great pity that there is no more work like it on the log, etc., and that Beaman himself did not continue these counts, since they would soon throw the needed light upon the condition of the herd in those days.

Now, mark the wretched sequel of this quotation by Dr. Jordan from Mr. Beaman for Dr. Jordan, as it follows in this final report of February 24, 1898.

On page 213 (Part I), under the heading of "Comparative census, 1896-97," Jordan publishes the result of the counts which he has made of the bulls, cows, and pups as they existed on the several rookeries during the seasons named. We read that in Gorbatch rookery in 1897 Jordan finds 308 bulls. In 1880, before the least sign of loss of life was evident on any one or all of the Pribilof rookeries, Mr. Beaman says that there were only 86 bulls!

Now, measured by this "authority," by the same Mr. Beaman, who is quoted so emphatically as such on page 83 (Part I), Jordan himself is guilty of "gross exaggeration" in showing by this table a vast increase of seal life on Gorbatch after saying in the body of his report it has been "steadily and rapidly shrinking ever since 1886-87." If Beaman is a fit "authority" to crush my work with [on p. 83, Pt. I], then he is equally fit to crush Jordan, and he certainly does it up brown [on p. 274, Pt. II].

Still worse and more of it, Jordan, in 1897, says (pp. 2, 3, Pt. I) that he counts 139 bulls on Lukannon. Beaman is quoted by Jordan [p. 247, Pt. II] as saying that in 1880 there were only 142 bulls on Lukannon "with a possible error in the count of 25 to 50;" so that in all of these seventeen years, between Beaman and Jordan, there has been no change for better or worse on that rookery.

And, again, Jordan counts 179 bulls on Kitovi rookery in 1897 (p. 213, pt. 1); but Beaman says that in 1880 there were only 112 bulls on Kitovi (p. 274, pt. 2). Thus Jordan finds another great increase of seal life since 1880 on the most desolate of all the desolated and ruined rookeries on the seal islands to-day.

Perhaps this association with Mr. Beaman will yet dawn upon the mind of Jordan as not so good a warrant for charging me with "gross exaggeration" as he thought it was. (He may not see the point, however, sharp as it is.)

This indigestible mess which Dr. Jordan has made of the above-cited question shows very clearly the fact that in this investigation which he was attempting to make he was either very careless or utterly incompetent to handle the evidence. (I am myself of the opinion that he was both. I believe that this idea will grow on other people, too, as they study that grotesque work.)

A fuller and better understanding of this woeful blunder of Dr. Jordan in re Beaman (who as a Treasury agent on St. Paul Island, in 1879-80, made a few desultory notes daily in the "log" of his office at that time) will be enhanced by the following ludicrous contrast, made by his placing his figures against those of Dr. Jordan, who seriously quotes him so authoritatively (p. 83, pt. 1, and p. 274, pt. 2):

Rookeries and number of bulls on same.

Rookery.	Beaman, 1880.	Jordan, 1897.
Kitovi	112	179
Lukannon	142	139
Garbotch	86	308
Reef	a 214	487
	1879.	
Polavinas	a 2,000	244
Spilkie	23	None.

a About.

If Jordan had possessed the caution of a true investigator he would have seen in 1897, when this "log" was before him, what I saw in 1890, when it was under my eye, that these "counts" of Mr. Beaman could not be quoted intelligently or used in any form whatever, except to cloud and confuse a correct idea of the subject. Of course I have no knowledge of what Mr. Beaman was really trying to do, since it was utterly impossible to count those bulls in 1880 on any of those rookeries, unless Neh Speel, for there were then ten times as many seals upon those breeding grounds as there are to-day, and Jordan himself says there were "five times as many." Therefore, if you multiply the Jordan figures by 5, and then contrast them with Beaman's record, you will grasp the wonderful depth and darkness of that hole which Jordan has tumbled into, having dug it himself. For Mr. Beaman is not to blame—not at all.

THE OVERDRIVING BLUNDER.

The next blunder of Dr. Jordan, and one which completely discomfited him when he was brought face to face with the following facts by the British agents during his conference with them, and which he abjectly surrendered to them November 16, 1897, in his "joint agreement" of that date with them—this blunder is his insistence on the idea that no driving or culling of the young male seals or excessive killing of them ever has or ever will injure the herd. I will throw light on the subject, and at the outset say that this attempt on the part of our agents to conceal a burning truth, while conducting our case in Paris in 1893, and since by Jordan and his associates, was the chief single botch and failure of the many that they then perpetrated. Let us assume that all pelagic sealing can be and is suppressed. If so, would Dr. Jordan's view as to unrestrained killing of the very finest of the young males, if put into practice, restore the herd?

No; it will not. It will not, because certain recommendations are made as to the methods of land killing which are to be followed on the islands by the Jordan commission, which are indorsed by the Treasury Department. These ideas of Dr. Jordan, if put into practice, will simply continue the wreck and ruin that now exists on the Pribilof fur-seal rookeries and hauling grounds.

Dr. Jordan, in his final report, asserts that all the work of ruin to our herd of fur seals is the work of the pelagic sealer; that no injury to that herd or life has ever resulted from overdriving and killing of young male seals, as practiced on the islands since the herd came into our possession, in 1867.

I know better. I know that the Russians themselves knew better than that in 1820, seventy-nine years ago, and that they then aroused themselves to the truth of injurious effect of overdriving and killing on land, and when, too, at that time, there was no such thing dreamed of even as the work of pelagic sealing, much less done.

When, in 1890, I stopped the work on the Pribilof Islands of land driving and killing, because it was ruinous to the well-being of the herd, a concerted attempt was instantly made in Canada and in Washington to deny my reason for that action, and that attempt has continued to this day. Naturally it does; it will continue just as long as there is a seal to kill on the islands. With the pelagic sealer in the field the dust can be raised over his cruel, wasteful work which will shield and obscure the cruel and wasteful work on the islands. It will conceal most of it from the attention of those who know but little of the business.

Therefore I desire in this connection, and pending the action of Congress, which must pass sooner or later on the question, to throw some light on that particular section of Dr. Jordan's final report which relates to the subject of killing seals on the islands and wherein he denies the fact that any injury has been done—denies it because he knows himself nothing of it and has been obliged to rely upon other authorities. Who? Well, let him answer for himself. I know.

Dr. Jordan has made two basic blunders in the foundation for his statement that no land driving or killing of the young male seals on the Pribilof Islands has ever injured the herd or ever will. His first great mistake is his utter failure to understand the Russian method of driving and killing. He refers to it frequently and incorrectly.

To be brief and explicit, the Russian method of work was radically different from the American system, with special regard to the period of seal driving, sizes of seals taken, and method of curing the green pelts on the islands.

Under the Russian régime the seals were driven in small daily drives all through the season, opening early in June and closing late in November annually. All the seals driven in these drives were taken, with very few exceptions; or, in other words, all the 1, 2, 3, and 4 year old males and all of the females that might be swept up into these drives, after August 10 and 20 to the end of the work in November. The Russians rejected in these drives only the very "short" or small yearlings, and the "patched" or "wigged" bulls, or 5 and 6 year olds. The percentage of this rejection up to August 10 never was more than 2 per cent, and after that not to exceed 5 per cent.

They (the Russians) were compelled to make these small drives on account of their method of curing the pelts before shipment. This they did by air-drying them and not salting them down, as we do, in kenches. So they were able to handle only a few hundred skins daily, where salting would permit the same number of men to handle thousands daily. Air-drying green skins in a damp, foggy atmosphere like that of the Pribilof Islands is a slow and tedious process, because each of these pelts must be "hooped stretched" and "pegged out;" as much time spent on an air-dried pelt as on the curing of ten in salt.

Under the American order, beginning in 1868, the sole use of salt was at once made and the difficult question of time in which to cure the skins on the islands was solved. Then the object became to so drive, at the beginning of the season in June, as to be able to take the skins of 100,000 prime animals before the middle or end of July and then ship the whole catch early in August, so as to have it laid down in London by the middle of October, in good

time for the annual Hudson Bay auction sales, which buyers from the entire world attended.

Therefore, the Americans drove up in four weeks, killed and cured as many seals as the Russians would have or could have handled in five months. Also, they were enabled to make by this driving and curing and selection of a particular size or weight of skin that they might determine to take.

With a vast superabundance of seals in 1872-1874 the Americans naturally determined to take nothing out of the driven herds but the very finest animals, and these fine skins were then, as they now are, the hides of the 3 and 4 year old males. The lessees were obliged to pay the same tax on a small, low-priced skin as on a large, fine skin, so they naturally aimed at nothing but the large, fine animals and rejected the small ones, letting them go back from the killing grounds to the sea. Thus began at once, in 1870, the practice of culling all the fine animals out of the driven herds on the killing grounds, which is a practice of infinite harm and sure ruin to the good form and service of the breeding grounds.

The effect of this culling of the driven herds was not more than faintly shadowed out to me in 1872-1874. I saw it then; I made note of it and left word with the Treasury Department to guard against it in my report of 1874. (Condition of Affairs in Alaska, 1875, pp. 75-77.)

Way back as far as 1820 the Russians themselves recognized the fact that they were culling the herds too closely—that they were ruining the business by the of land killing all the choice males—they knew that they alone on the islands were to blame, because no such thing as hunting fur seals in the water by white men then was dreamed of, much less done.

In 1818, and after a period of over ten consecutive years of active driving and culling out of all the largest and very finest young male seals that could annually be secured, the board of directors at St. Petersburg of the Russian-American Company were informed by their agent at Sitka that the supply of these large young male seals had been practically exhausted, and that a smaller grade of skins must be taken or none at all. A trusted associate of the board, General Yanoosky, was sent out by them to go to the Pribilof Islands and investigate and report to them what the exact status of the herd was. This gentleman did so. He arrived on St. Pauls Island in the spring of 1819 and remained there during the whole season, until late in November, when he departed and went down to Sitka, where on the 25th of February, 1820, he finished and forwarded to the board at St. Petersburg his report. A brief of it is given in the papers of the old Russian company and was produced in the counter case of Great Britain, at Paris, as follows:

No. 6.—From the board of administration of the Russian-American Company, under the protection of His Imperial Majesty, to Capt. Matvei Ivanovitch Muravief, etc., chief manager of the Russian-American Colonies.

(No. 175.)

In his Report No. 41, of the 25th February, 1820, Mr. Yanovsky, in giving an account of his inspection of the operations on the islands of St. Paul and St. George, observes that every year the young bachelor seals are killed and that only the cows, "sekatch," and half "sekatch" are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors remain alive in the autumn they are sure to be killed the next spring. The consequence is that the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct.

This view is confirmed by experience. In order to prevent the extinction of the seals it would be well to stop the killing altogether for one season and to give orders that not more than 40,000 are ever to be killed in any one year on the island of St. Paul or more than 10,000 in any one year on the island of St. George.

Mr. Yanovsky considers that if these measures are adopted the number of seals will never diminish. The board of administration, although they concur in Mr. Yanovsky's view, have decided not to adopt the measures proposed by him unless it is found that there is no migration of seals to the two small islands which are believed to exist to the south and north of the chain of islands. * * *

The board would be glad if, when you next go to the islands, you would suggest any measures which you think would tend to improve the fur-seal industry. Should it, however, be impossible for you to visit the islands at present, you will lose no time in giving orders for the rules laid down by this board to be applied forthwith.

MICHAEL KISSELEF.
VENEDICT CRAMER.
ANDREI SEVERIN.
ZELENSKY, *Chief Clerk.*

MARCH 15, 1821.

A Russian copy of this letter in June, 1874, was given me to read at Unalaska Village, by the Rev. Innokevty Shaieshnikov, the son of the man who entertained and assisted Yanovsky on St. Paul Island, "Bidarsheek" Kazean Shaieshnikov, and then the headman on the island; and I also had from this authentic source, a complete history of the Russian driving and conduct of affairs on those islands during that period of their ownership, and I now submit it in detail. It throws light on the question, and it is Dr. Jordan's misfortune that he was not amenable to its sober and direct teaching. Look at that official record of Yanovsky, and then remember that his recommendation was not adopted. What followed?

In fourteen years only "8,118 fresh young seals, males and females together," were "left alive to breed" on St. Pauls Island. This collapse, due entirely to excessive land killing of young male seals in 1834 was followed by a complete rest of the small remnant of the herd in 1835. Only "100 bachelors" were killed and 3,952 pups for the food of the natives. [I have published this record of the Russian work on the island of St. Paul 1834-1854 in detail in my report of 1890, 54th Cong., 1st sess., H. R. Doc. No. 175.]

Here is this evil of overdriving and culling the herd presented and defined fifty years before I saw it, and nearly seventy years before Jordan denies its existence in 1898. Think of it! We have sent two investigating commissions since 1890 up to our ruined fur-seal preserves on the Pribilof Islands—one in 1891 and the other in 1896-97—and yet, in spite of this plain Russian record and my detailed and unanswerable indictment of that particular abuse in 1890, these commissioners blindly and stupidly deny it. They attempt to set aside the Russian record by saying that the Russians then killed females as well as males and drove them up to the shambles in equal numbers.

The Russians did nothing of the sort. They began the season early in June by driving from the hauling grounds, precisely as we do to-day, and continued so to drive all through the rest of the season. They never went upon the rookeries and drove off the females; they never have done so since 1799. How, then, did the females get into their drives?

The females fell into these drives of the Russians because that work was protracted through the whole season—from June 1 to December 1. In this way the drivers picked up many cows after August 1-10 to the end of November following, since some of these animals during that period leave their places on the breeding grounds and scatter out over large sections of the adjacent hauling grounds, so as to get mixed in here and there with the young males. Thus the Russians in driving across the flanks of the breeding grounds, going from the hauling grounds, during every August, September, October, and November, would sweep up into their drives a certain proportion of female seals which are then scattered out from the rookery organization and are ranging at will over those sections of the hauling grounds driven from. What that proportion of this female life so driven was in Russian time no man to-day can precisely determine. From the best analysis I can make of it, I should say that the Russian female catch in their drives never exceeded 20 per cent of the total number driven at any time, and such times were rare, and that it ranged as low as 5 per cent of female life up to the end of August annually.

Now, what does Jordan say to-day about this work which the Russians condemned seventy years ago and I in 1890?

"As land killing has always been confined to the males, and as its operations are to-day what they have been since the herd came into the American control, except in so far as they have been improved, this means that land killing is not and has not been a factor in the decline of the herd."

I went up in 1890 prejudiced against the pelagic sealer; I am yet; but prejudice can not make answer to the following facts:

In 1890 I found in the place of 3,193,670 breeding fur seals and their young only 959,455.

In the place of a round million of nonbreeding young male seals on the hauling grounds in 1872-1874, I found a scant hundred thousand.

It is, and was, easy to account for the heavy shrinkage of life on the rookeries, for the pelagic sealer has been hard at work on the female life since 1885-86. He has killed in the water 75 to 80 females to every 20 males, and this proportion in killing ought to be shown on the breeding grounds. It was.

But what about that infinitely greater loss among the young males on the hauling grounds? If the pelagic sealer was all to blame (as Jordan says he is) for this ruin of the herd, why should this class of seals, of which he kills the fewest, be the one class most fearfully decimated?

I began on the ground in 1890 to review every season's work on the islands since 1874. I found that in 1883 the supply of surplus male seals had so dwindled on the islands that the driving was then extended to all of the hauling fields; that extension declared increased difficulty in getting the supply long before the pelagic sealer had entered Bering Sea or had really begun destructive work in the North Pacific Ocean.

If the pelagic sealer had not caused this trouble on the islands in 1883-1887 of getting the full supply of killable young male seals, what had? An epidemic or disease? No, not a trace of it. Then there remained but two reasonable answers; either too many seals were annually killed by the lessees, or the method of driving to cull the herds so driven was at fault.

The effect of killing annually 100,000 young male seals of a single high grade upon the whole herd as begun in 1870 was an experiment. It went far beyond the Russian limit and method, for it added a much greater danger. It called for the systematic culling out of all the seals driven under 3 years of age and over 4 years.

This act of steadily killing every fine 3-year-old and 4-year-old male that comes up annually in the drives began in a few years to create a serious interference with that law of natural selection in the life of the herd which enables the fur seal to be so dominant a pinniped. This interference is at once seen by a thoughtful naturalist when the continued culling of the very finest young male seals out from the herd takes place annually. How long would any stock breeder keep up the standard of his herd in this State if he annually slaughtered all of the very finest young males that were born into it or brought into it?

Yet Dr. Jordan comes forward in his final report with this plain confession of his inability to grasp a well-established truth in regard to the life of wild animals. Listen to him (Chap. IX, p. 128):

"The whole matter (theory of overdriving) is too absurd for serious consideration, and might be passed by with the silent contempt which it deserves were it not for the fact that it was accepted by the British commissioners in 1891 and made the chief foundation of the British contention before the Paris tribunal of arbitration."

Yet, curiously enough, Dr. Jordan, on page 120, immediately preceding this dogmatic deduction, cuts all the ground out from under his own feet in the following statement:

"But suppose the killing was continued through a series of years, every 3-year-old being killed, the reserve would in time be cut off, and the stock of breeding bulls die out. It is impossible to say how long it would take to produce this effect, because we do not know the length of the life of a bull. We may infer, however, that it is not less than fifteen years; and therefore the injurious effects of this excessive killing, begun in any given year and continued indefinitely, would not be seen within ten years at least."

This he publishes under the caption of "A hypothetical case."

It is not hypothetical; it is the real story of the driving and killing on the islands from 1880 up to 1890. During all those years I know, from the records of the work, and the direct personal testimony of the men who did the work, that they never allowed a 3-year-old seal to escape that they could get. That in 1883 they first began to fall behind in their run of 3-year-old seals from the hunting grounds of 1872-1874, which had so abundantly supplied them. Then they began to extend their driving to the hitherto untouched hauling grounds of the islands, until, by 1896, they were driving from every nook and corner on the islands where a young male seal hauled out, and by 1889, in spite of the frantic exertions that they made, they got less than one-quarter of their quota of 3-year-old skins. They had to make it up in yearlings and "short" 2-year-olds for that year.

In the face of this positive truth about the work of 1889, which appears in my report of 1890, Dr. Jordan, in 1898, makes the following strange blunder of statement: "To destroy this class (3-year-olds) or any considerable number of them would at once weaken the herd. But there would be no object in such killing, and it has never been thought of." (P. 120.)

Never been thought of! Why, it was the sole aim and thought of the land butchers to get every fine 3-year-old and 4-year-old seal that could be secured in the seal drives from 1872 to 1890. When the supply of this grade dwindled on the original sources of supply, then the work of driving from the hitherto untouched reservoirs was regularly increased, with vigor and tireless persistency.

But Dr. Jordan makes his case still worse, for he goes on to say that this overkilling is not practicable. On page 121 he declares: "In the hypothetical case above cited we have supposed that every male of a given age could be taken. While in theory this is possible, in practice it could probably never be done. There are certain hauling grounds, such as Lagoon, Zapadnie Head, Otter Island, Silvitah Rock, and Southwest Point, from which the seals have not, and never have been driven. The young males frequenting there were left undisturbed."

This emphatic statement by Dr. Jordan is wholly and completely untrue. I have the record and the proof that each and every one of these places of retreat which he names above have been annually visited by the sealing gangs on Dr. Paul Island since 1884; and these "undisturbed" seals have been regularly driven off from those particular places, so that they would haul out on other places where they could be taken more advantageously, or they were killed, thousands and tens of thousands of them, right on the ground itself, notably on South West Point in 1884-1886. They were entirely hunted off from Otter Island, because the law and the lease does not allow the lessees to kill seals there. And this particular secret work was in progress right up to the hour when I stopped it, July 20, 1890.

Now, who has imposed upon Dr. Jordan with this bald untruth? Who has so completely and shamefully misled him? What avails his high personal character or his deserved reputation as a naturalist when he makes a gross and a monumental blunder like this? A blunder upon which he bases his whole defense of an abuse, which I condemn. Right at this point and in this connection Dr. Jordan, in part 3 of his report (p. 330), makes the following remarkable self-contradiction of what he asserts, as quoted above:

"In the matter of branding, also, we may note it is of the utmost importance to the Government to know just what proportion of breeding males are necessary for its herd. This fact once known, it then becomes equally important to see that the proper number of young males are reserved for the replenishment of the breeding stock. Under present conditions the matter of securing this reserve is left more or less to chance. There is no evidence that the 3-year-old which is allowed to escape from one drive will not be taken in the next.

Here is his own admission, in his own words, of the precise and perfect truth of my indictment of the methods of land killing, which he denies in Volume I, Chapter IX, page 128. Small wonder that the Canadians profited by their association with him.

This close approach under Russian order to total destruction of the fur seal herd in 1834, from the results of excessive driving and culling out of all the choice young male seals since 1817, makes an authoritative and positive denial of the "scientific" investigations of our agents in 1891—"experts," as they were officially termed—and of Dr. Jordan's conclusions as to land killing in 1896-97. These figures of that Russian period of destruction make also a most eloquent and significant contrast with those of our own time of decline, and they are herewith submitted.

They constitute a deadly parallel, both for the scientists above mentioned and for the seals.

These Russian records of the ill results of their abuse in driving only to take the very finest young males, and these failing in supply then to take everything, are not as specific as they undoubtedly were when first sent to the general manager at Sitka from the islands. It can be easily understood that under the pressure of the demand for these skins by the board of directors, all the reports showing the need of "resting" or of checking the kill ing on the islands would be toned down as much as possible, even to suppressing them altogether.

But they were specific enough for a competent investigator to make good use of; they were so clear to my mind that in 1874 I thought them valuable, and I translated and published them in the body of my report for that year, and republished them in my finished work of 1880. I regarded them as notes of warning way back in those early days of our management of the business, well worthy of notice. (Condition of Affairs in Alaska: Washington, 1875, pp. 107-120.)

In the classification of skins taken on the islands as exhibted in the table herewith submitted, the terms are: "Prime" skins are 3 and 4 year olds, "short" skins are 2-year-olds, "eyeplasters" are 1-year-olds, all male fur seals.

The Russian figures in the following table are taken from the work of Bishop Venianimov, Zapieska ob Oonalashkenskaho Otdayla, St. Petersburg, 1842; Vol. II, p. 568, et seq.

Those relating to our own time and work, 1889-1901, are from the trade catalogues of the London sales, where the Alaskan skins have all been sold at public auction since 1871. The significant classification of sizes annually taken on the islands, which declares that in 1901 we were draining the dregs of the male life, is found in these records of the London sales, and there is no appeal from the perfect truth of the figures.

Russian period of diminution, 1817-1835.

Year.	Seals.	Year.	Seals.
1817	60,188	1827	19,700
1818	59,866	1828	23,288
1819	52,225	1829	20,811
1820	50,229	1830	18,034
1821	44,905	1831	16,034
1822	36,469	1832	16,434
1823	29,873	1833	16,412
1824	25,400	1834	15,751
1825	30,100	1835	100
1826	23,250		

American period of diminution, 1889-1901.

Year.	Seals.	Remarks: "Prime" skin, 8 to 9 pounds; "short," 5 to 6 pounds; "eye plasters," 4 to 4½ pounds.
1889	100,000	¼ "prime" skins; ¼ "short;" ½ "eye plasters."
1890	28,000	¼ "prime" skins; ¾ "short."
1891	14,000	All "prime" skins; modus vivendi.
1892	7,500	Do.
1893	7,500	Do.
1894	16,031	All "prime" skins.
1895	15,000	Do.
1896	30,000	¼ "prime" skins; ¼ "short;" ½ "eye plasters."
1897	20,766	¼ "prime" skins; ¾ "short."
1898	18,032	Do.
1899	16,812	Do.
1900	22,470	¼ "prime" skins; ¼ "short;" ½ "eye plasters."
1901	22,672	1/10 "prime" skins; 2/10 "short;" 7/10 "eye plasters."
1902	18,000	¾ "short;" ¼ "eye plasters;" can or will be taken.
1903	16,000	All "eye plasters;" can or will be taken.
1904	16,000	Do.
1905	8,000	Do.
1906	1,000	Do.
1907	.....	The end of the young male life.

NOTE.—In 1834 only "8,118 young seals, males and females, were left alive to breed" on St. Pauls Island. The Russians stopped the killing in 1835 and thus prevented the extermination of the species.

By 1907 we will reach the end of the young male life on the islands; and by 1910 the female life will have followed it, on account of lack of service and the pelagic hunter.

THE "TRAMPLED PUP" BLUNDER.

After failing in this report, as I have shown above, to correctly grasp the truth as to the form and number of the fur-seal herd in 1872-1874, and failing to appreciate the deadly effect of overdriving and culling the young male seals, Dr. Jordan's next blunder in relative importance, is his amazing mistake as to the cause of the death of the pup seals, which he persisted in announcing in 1896, and then again, though modified greatly, in 1897. I refer to his "discovery" that the "natural check on the increase of life" on these rookeries is the annual trampling to death of the young or baby seals by their parents on the ground of their birth!

So possessed was Dr. Jordan by the belief in this nonsense of "trampled" pups when he returned from his first season's visit (after spending just twenty-seven days in this "thorough work") on the Pribilof Islands that he refused to modify the amazing folly of it, but actually induced or directed his associates to announce the "discovery" to the scientific world by its assertion at a regular meeting of the Biological Society of Washington early in January, 1897. This announcement thus formally made was publicly approved by Jordan's associates on the Commission at the meeting, and discussed as a new factor of the greatest importance to a correct understanding of the seal question. I alone on that occasion took the floor and disputed the truth of it and denied it, and with my emphatic denial the session adjourned.

Present at that meeting was Dr. Charles W. Stiles, who heard me, and who was impressed by my saying that better knowledge would show the presence of some disease among those "trampled" pups, which were described that evening as dead and counted, and that they never came to death by reason of being crushed beneath the bodies and flippers of their parents, as the half dozen speakers who preceded me all united in affirming.

Dr. Stiles revolved the subject in his mind and investigated the specimens brought down to the National Museum of these "trampled" pups and their viscera. He discovered the true cause of their death, and then announced it. He said it was due to the ravages of the worm Uncinaria, which is an intestinal parasite that often destroys sheep, foxes, and kindred life, and, indeed, a variety of it destroys human life.

This ought to have completely settled Jordan and his "trampled" pup "discovery." It did, but Jordan has gathered together a few fragments of his exploded theory, and feebly insists upon its recognition as a minor and not a major cause of loss of life among the pups. He makes this admission and correction, however, without giving the credit to Dr. Stiles which that gentleman deserves. He says (p. 70):

"In our investigations of the subject of mortality among the pups in 1896, which were begun late, we assumed that the chief cause of death among the 11,000 pups counted before the middle of August was the trampling of the fighting bulls. The more thorough investigations of 1897, however, prove this an error. The principal cause of death was found to be a small parasitic worm of the genus Uncinaria, which infests sandy areas, and the ground has become filthy."

But in spite of this admission of his blunder, pointed out by myself before it was in type, and after that forced on him by Dr. Stiles, he still makes the following furtive suggestion that there is "a certain number" of the pups crushed to death by their parents:

"In our experience we have seen them stand hard knocks and even come off from under the feet of the bulls uninjured. * * * But when the little pup is only a few days old it is a very different matter. In the rushes of the clumsy bull, in his efforts to defend or discipline his harem, a certain number of the little fellows are crushed to death before they are old enough to get away and pod by themselves." (P. 70.)

This is precisely what I have described in detail (Mono Seal Islands, p. 38), and I have made no hesitation in saying that a few of these pups are crushed, and that "it seems questionable whether more than 1 per cent of all the pups born each season on these great rookeries of the Pribilof Islands are destroyed in this manner on the breeding grounds."

The "certain number" of trampled pups which Dr. Jordan vaguely hints at is a ridiculous one in the aggregate, and amounts to less now than when I noted it first of all men, in 1872, and described it in 1874. (Condition of Affairs in Alaska, p. 138.)

Now, let us analyze the loss from the ravages of the intestinal worm Uncinaria, which Jordan, with strange imprudence, declares to be the "chief natural cause of death among pups, so far as known at present." [Joint statement of conclusions (item 5), signed November 16, 1897, p. 242, Pt. I.] Every detail of the report and record of finding the worm-killed pups by Dr. Jordan and his assistants, season of 1896-97, locates all of the carcasses on the sandy portions of the breeding grounds; the other sections of the rookeries were free from any evidence of dead pups which amounted to more than my description of such loss in 1872-1874, viz, 1 per cent.

The sandy areas of the Pribilof breeding grounds I determined with great exactitude in 1872-1874; they then amounted to less than one twenty-third of the whole breeding area, viz: Entire superficial area of the breeding grounds, seasons of 1872-1874, Pribilof Islands, was 6,386,840 square feet, the sandy areas of which contained 275,850 square feet, or only one twenty-third of the whole, and these areas are the same to-day—no more or no less in extent.

Therefore Jordan's "chief natural cause of death" is limited by the facts that attend it to a little fraction only of that life which Jordan says it destroys, and it really becomes insignificant; but Dr. Jordan's Canadian associates have taken infinite satisfaction and comfort out of this mistaken stand of Jordan, whereby they escape any direct or indirect impalement on the one real and true cause of that shame and misery which marks the conduct of affairs on the Seal Islands to-day. I allude to the starvation of the pups, thousands and tens of thousands of them, on the rookeries every year for the reason of their mothers being killed at sea by Canadian hunters. So completely have the Canadian agents handled Jordan in this matter that he omits the slightest mention of this particular shame and cruel loss and waste of life in the body of any one of the sixteen items of his "joint statement" with them, cited above.

THE BRANDING BLUNDER.

The fourth blunder in relative importance of the many blunders strung on the wire of Dr. Jordan's report is the puerile and abortive work which he instituted and authorized—seasons of 1896-97—in the matter of branding cow and pup fur seals. Under head of Chapter XIV (pt. 3, pp. 325-331) Dr. Jordan goes into the details of this idle business and gives his unqualified approval to pup branding as a means of destroying the value of the fur-seal skins, so as to drive the pelagic sealer out of business and thus protect and restore the herd!

The complete failure of this business, both in its application to the seals and to the pelagic sealer, has followed since the date of his report, February 24, 1898. The cruel farce of torturing baby seals, many of them at the time of branding without mothers, and starving to death in September and October, has been abandoned on the islands. The folly of it became so rank that even the timid officialism that had it in hand after Jordan left the islands rebelled.

I protested before the Ways and Means Committee, February 18, 1896 (during the progress of a hearing) against this attempt being made to brand these seals, as suggested in 1895, seriously, by Mr. C. S. Hamlin, and I gave the best reason of all reasons for dropping the scheme when I said that even if the seals were branded—all of them—the pelagic hunter would stick to his business until the last one of them was taken. A brand will not depreciate the value of a skin so marked more than 5 per cent or 10 per cent at the most, and in most cases not affect it at all.

The dressers of skins can unhair and prepare a branded skin just as easily as they can one not so treated, and far easier than they can dress a skin cut and torn by the bullets and spear prongs of the pelagic hunter. These dressed skins, ready for the furriers and makers, are then all purposely cut,

in the making up and fitting of garments, into strips, ribbons, and right-angled pieces, which are sewed together again in order that the seams shall constitute ribs, as it were, for the thin skin, upon which it will not stretch out of shape or tear apart under pressure by the form of the wearer, as they would do if not so treated.

Understanding this procedure, it becomes at once evident that any skin with a patch on it bare of fur—say the area of a brandmark, i. e., 6 inches by 2—will not interfere in the slightest with the work of making it up, and that area of branding will be simply cut out and thrown aside, entailing a loss at the most of not more than a fiftieth of the superficial area of the dressed skin; in short, the loss is nil.

The Canadian hunter has paid less attention to Dr. Jordan's branding scheme than he has to any one of the hundreds of obstacles that continually arise during the progress of his work, such as the vagaries of his vessel, his crew, his hunters, his weather, good, bad, and otherwise. In all of these he constantly finds serious setbacks, but, nevertheless, he never lets up, and he has been reaping a richer reward than ever from the proceeds of his business since Dr. Jordan first shook these branding irons at him; and, as Jordan has left the case in joint agreement with the Canadian agents, the pelagic sealer has an indefinite future of good return from his calling at our expense, providing we do not agree with Jordan, let the matter rest.

Having put these glaring and salient mistakes of Dr. Jordan into the light, so that they are easily recognized, I do not think it necessary to dissect and exhibit any more of them, since this exposure of the most mischievous ones renders the lesser blunders of no relative importance.

There remains, however, the crowning folly and greatest mischief of his work to deal with and properly analyze. That chief blunder and source of regret is the "joint statement of conclusions respecting the fur-seal herd frequenting the Pribilof Islands in Bering Sea," which he signed with his British associates in our State Department November 16, 1897. He has literally lived up to his promise, made February 28, 1897, that he has a "perfect agreement" with the British agents, for he has agreed to everything that was agreeable to them in this smooth paper, and nothing else.

THE CHIEF BLUNDER.

I have alluded to a peculiarity of Dr. Jordan in publishing the results of his work, by which he unwittingly introduces evidence of his own approval in one portion of the report that completely denies the truth of some statement of fact which he had made previously. This incoherent and slovenly habit is resultant of nothing in the end for its author but mortification and discredit. Illustrative of this, note the following:

The end of Dr. Jordan's work and association with the fur-seal question came over his signature to a "joint agreement" with his British peer in this business, dated November 16, 1897.

This "agreement" is an amazing exhibition of Dr. Jordan. It is a sad, most extraordinary, but, unhappily, it is a true picture of the man, since Dr. Jordan is his own accuser, and utters his own sentence.

On page 184 (Part I), under the caption of "Chapter XIV—Summary of conclusions," Dr. Jordan says:

"Before passing to a consideration of the final topic, the remedy for the condition of the herd, we may give the following brief statement of the chief facts concerning the fur-seal herd, which have a bearing on its future protection and preservation. This statement while in a sense a summary of the preceding discussions, was originally prepared by Messrs Hamlin and Jordan, the American delegates to the recent fur-seal conference at Washington, for the use of the conference. A few of the estimates here given may be open to difference of opinion, but in general the accuracy of these statements has not been questioned and can not be."

He follows this preface here with 20 detailed items of fact which he says "can not be successfully" questioned. (Pp. 184-186.)

In order that the complete, abject surrender of these "chief facts" by Dr. Jordan to the British agents may be seen at once, and the act of that denial by their author be recognized beyond contradiction, I submit what he publishes as "facts prepared for the use of this conference" and what he actually signed as "facts" in that conference.

EXHIBIT B.

The surrender of the case of the United States in re fur-seal herd of the Pribilof Islands by David Starr Jordan and Charles S. Hamlin, commissioners in behalf of the United States, made by their signatures to a "Joint statement of conclusions," November 16, 1897, with the British agents, Professor Thompson and Mr. Macoun, in the State Department, Washington.

The evidence of that surrender to the Canadians is given from the report of Professor Jordan, submitted to the Secretary of the Treasury February 24, 1898, and is herein produced by putting his "Statements of facts" (Chap. XVI, pp. 184-186) item by item against his "Joint statement of conclusions" (Appendix II, pp. 240-244), as published in said report (The Fur Seals and Fur Seal Islands of the North Pacific Ocean), prepared and annotated by Henry W. Elliott, April 10, 1902.

STATEMENTS OF FACT.	JOINT STATEMENT OF CONCLUSIONS.
Jordan prepared the following "for the use of the conference." (Pp. 184-186 final report, Chap. XVI of Fur-Seal Investigation, Pt. I.]	Jordan, in the conference on 16th November, 1897, signed the following radical disagreements to his "statements of fact." (Pp. 241-244, Appendix II, final report of Fur-Seal Investigation, Pt. I.)
1. Since the year 1885 the fur-seal herd, as measured by it breeding females, has steadily declined in numbers.	1. "There is adequate evidence that since the year 1884 * * * the fur-seal herd as measured on either the hauling grounds or the breeding grounds has declined in numbers." * * * [The year 1884 is substituted for 1885.]
2. The best available measure of this decline is found in these facts.	2. "In the absence of earlier counts of actual counts of the rookeries such as have been made in recent years, the best approximate measure of decline now available is found in these facts."
a During the period between 1871 and 1885 no difficulty was experienced in obtaining each year 100,000 male seals of recognized killable age by the 20th July.	*a* About 100,000 male seals of recognized killable age were obtained from the hauling grounds each year from 1871 to 1889. The table of statistics shows on the whole a progressive increase in the number of hauling grounds driven and the number of drives made, as well as a retardation of the date at which the quota was attained during a number of years previous to 1889. [Observe that "no difficulty" is struck out, and the admission is made that increased work to get the seals was the fact.]
	b In 1896 only 30,000 killable seals were taken after continuing the driving until July 27, and in 1897 only 20,890 were taken after continuing the driving until August 11."
3. From this and other data it would appear that the herd of breeding females on the Pribilof Islands in the years 1871-1885 must have been about five times as great as at present, or from 600,000 to 700,000 in number.	
4. The natural life of the female fur seal is estimated at from ten to fifteen years. Assuming thirteen years as an average, each female would have ten years of breeding life. If this be true, 10 per cent of the breeding females die of old age each winter, in addition to the unknown losses from other causes. The stock of breeding females is recruited solely by the accession each year of 3-year-old cows. This is struck out completely from the "agreement," and No. 5 taken up as 4.	
5. The natural death rate among the young fur seals, especially among the pups, is very great. At present about two-thirds die from natural causes before they reach the age of 3 years, or killable age for the males and breeding age for the females.	
6. The chief natural causes of death among the pups are:	
(*a*) Ravages of the parasitic worm Uncinaria, infesting sandy breeding areas.	
(*b*) Trampling by fighting or moving bulls and cows.	
(*c*) Starvation of pups strayed or separated from their mothers when very young.	
(*d*) Ravages of the great killer (Orca).	
(*e*) Drowning in the storms of winter.	
The natural loss from other causes are relatively very small.	
7. Counts and estimates show that the number of breeding females bearing pups on the rookeries of St. Paul and St. George in 1896 was about 157,000 and in 1897 about 130,000.	
8. On certain rookeries pups were counted during both seasons. Where 16,241 were found in 1896, 14,318 were found in 1897, a decrease of about 12 per cent. The harems on all the rookeries were counted during both seasons. In 1896 there were 4,932; in 1897 4,418, a decrease of 10.41 per cent. The cows actually present on certain rookeries at the height of the season were counted both seasons. Where 10,198 were found in 1896, 7,307 were found in 1897, a decrease of 28.34 per cent.	
	b In the year 1896, 28,964 killable seals were taken after continuing the driving until July 27, and in 1897, 19,189 after continuing the driving till August 11. We have reason to believe that during the period 1896 and 1897 a very much larger number of males of recognized killable age could have been taken on the hauling grounds."
	"The reduction between the years 1896 and 1897 in the number of killable seals, while an indication of decrease in the breeding herd, can not be taken as an actual measure of such decrease. A number of other factors must be taken into consideration, and the real measure of decrease must be sought in more pertinent statistics drawn from the breeding rookeries themselves."
	[Observe that this item utterly contradicts its original and denies it.]
	3. From these data it is plain that the former yield of the hauling grounds of the Pribilof Islands was from three to five times as great as in the years 1896 and 1897, and the same diminution to one-third and one-fifth of the former product may be assumed when we include also the results of hunting at sea.
	[Observe that "the herd of breeding females" is struck out, and a negation inserted in lieu of the original "fact."]
	4. The death rate among the young fur seals, especially among the pups, is very great. While the loss among the pups prior to their departure from the islands has been found in the last two years to approach 20 per cent of the whole number born, and though the rate of subsequent mortality is unknown, we may gather from the number which return each year that from one-half to two-thirds have perished before the age of 3 years—that is to say, the killable age for the males and the breeding age for the females.
	[Observe that 20 per cent loss is added to the original "fact."]
	5. The chief natural causes of death among pups, so far as known at present, are as follows, the importance of each being variable and more or less uncertain:
	(*a*) Ravages of the parasitic worm Uncinaria, most destructive on the sandy breeding areas and during the period from July 15 to August 20.
	(*b*) Trampling by fighting bulls or by moving bulls and cows, a source of loss greatest among young pups.
	(*c*) Starvation of pups strayed or separated from their mothers when very young, or whose mothers have died from natural causes.
	(*d*) The ravages of the great killer (Orca), known to be fatal to many of the young and perhaps also to older seals.
	At a later period in the storms of winter drowning of the pups is believed to be a source of loss among the older ones, but not certainly known.
	[Observe the fact that the starvation of the pups caused by the death of their mothers by pelagic hunting is not even hinted at in this statement, and despite the fact that it is the one great single cause of loss well and positively known on the islands since 1894! This is a sad omission for Dr. Jordan; it reflects upon him seriously.]
	6. Counts of certain rookeries with partial counts and estimates of others show that the number of breeding females bearing pups on St. Paul and St. George was in 1896 and 1897 between 160,000 and 130,000, more nearly approaching the higher figure in 1896 and the lower in 1897.
	7. On certain rookeries where pups were counted in both seasons, 16,241 being found in 1896 and 14,318 in 1897, or applying a count adopted by Professor Thompson, 14,734 in the latter year, there is evident a decrease of 9 or 12 per cent within the twelve months in question. The count of pups is the most trustworthy measure of the numerical variation in the herd. The counts of harems, and especially of cows present, are much inferior in value. The latter counts, however, point in the same direction. The harems on all the rookeries were counted in both seasons. In 1896 there were 4,932; in 1897 there were 4,418, a

9. It is not possible to state absolutely the decline in the actual number of breeding cows from 1896 to 1897, but it is not far from 15 per cent.

10. The number of killable seals taken on the islands in 1897 shows a decrease of about 30 per cent from the number taken in 1896. This represents, approximately, the decrease in 3-year-old breeders which entered the rookeries in 1897, the number of males and females born being practically equal.

11. Land killing is not now a factor in the decline of the herd, and has not been since the islands came into the possession of the United States. It has not caused injury to the breeding herd, either by undue reduction in number of males, or by impairing their virility, or in any other way.

12. Land killing has tended to increase the breeding herd by the reduction of the number of adult bulls and their consequent fighting, which results in the destruction of females and pups.

13. No appreciable part of the decline of the herd is due to illegal killing or killing in defiance of the regulations of the Paris award.

14. The reduction in the breeding herd has been due to the killing of females at sea, with the resulting starvation of nursing pups and the destruction of unborn pups.

15. Pelagic sealing necessarily involves indiscriminate killing of males and females. The greater proportion of the animals taken in the pelagic catch are females. The statistics for the American catch, obtained by expert examination in the custom-houses, show an average of 78 per cent for the years 1894, 1895, 1896. The examination of pelagic skins in London confirms this percentage.

16. The natural increase of the breeding herd is about 16½ per cent each year, being one-half of the surviving 3-year-olds. The natural death rate from old age each year is not far from 10 per cent. The death rate of adults from other causes can not be accurately estimated. The killing of females by the hand of man, therefore, can not reach 6½ per cent of the total decrease of 10.41 per cent. The cows actually present on certain rookeries at the height of the season were counted in both seasons. Where 10,198 were found in 1896, 7,307 were found in 1897, a decrease of 28.34 per cent.

ment strikes out any regard for the

[Observe the fact that this agree-accuracy of the harem or cow counts and their showing of loss.]

8. It is not easy to apply the various counts in the form of a general average to all of the rookeries of the islands. We recognize that a notable decrease has been suffered by the herd during the twelvemonth 1896 to 1897 without attempting, save by setting the above numbers on record, to ascribe to the decrease more precise figures.

[Observe that no agreement as to any percentage of loss is made here—will not be entertained.]

10. This is struck out entirely from the agreement. Jordan surrenders it.

9. The methods of driving and killing practiced on the islands as they have come under our observation during the past two years call for no criticism or objection. "An adequate supply of bulls is present on the rookeries. The number of older bachelors rejected in the drives during the period in question is such as to safeguard in the immediate future a similarly adequate supply. The breeding bulls, females, and pups on the breeding rookeries are not disturbed. There is no evidence or sign or impairment by driving of the virility of the males. The operations of driving and killing are conducted skillfully and without inhumanity."

[Observe the fact that this agreement covers only two years—the "past two years"—and will not stand for more than the "immediate future." It is a complete denial of the claim which Jordan makes in his "Facts" and expressed so clearly in this item (11).]

12. Struck out entirely by the "Agreement." A sensible act, even if the Canadians did so.

10. The pelagic industry is conducted in an orderly manner and in a spirit of acquiescence in the limitations imposed by law.

[Certainly; why should these "regulations" be violated when they themselves facilitate the operations of the pelagic sealer and protect him? This is a great bit of Bunsbyism in such a document.]

14. This item of "fact" is struck out and omitted entirely from this agreement.

11. Pelagic sealing involves the killing of males and females alike, without discrimination, and in proportion as the two sexes coexist in the sea. The reduction of males effected on the islands causes an enhanced proportion of females to be found in the pelagic catch; hence this proportion, if it varies from no other cause, varies at least with the catch upon the islands.

In 1895 Mr. A. B. Alexander, on behalf of the Government of the United States, found 62.3 per cent of females in the catch of the *Dora Sieward* in Bering Sea, and in 1896, Mr. Andrew Hackett, in behalf of the Canadian government, found 84.2 per cent in the catch of the same schooner in the same sea. There are, no doubt, instances, especially in the seasons of migrations and on the course of the migrating herds, of catches containing a very different proportion of the two sexes.

[Observe the complete denial of the "fact" as set forth in item 15, and its effect in this "agreement."]

16. Struck out entirely, and in its place the following items, 12, 13, and 14, are inserted, which deny the conclusion of this item of "fact:"

number each year without involving the decline of the herd. If the herd is to be restored, the killing of female seals should not be permitted.

17. As neither land killing nor sea killing now yields a profit for the money invested and for the money spent in protection, the fur-seal herd is therefore, from a commercial point of view, virtually destroyed. But this has not involved the biological destruction of the herd. Under wise protection it may regain its former numbers.

18. In our judgment, all facts in any way vital to international action regarding the protection and preservation of the fur-seal herd are now in the possession of both Governments.

19. These facts show that the herd has largely declined from its original condition, and from its condition in 1891 and 1894; that it is still declining, and that the cause of the decline is the slaughter of females involved in pelagic sealing.

20. The regulations of the Paris award have proved ineffective to preserve the herd. They have not prevented its decline, which has continued and must continue in spite of them. They can not bring about a restoration of the herd, as they permit the killing of females in numbers vastly in excess of their natural increase.

But the crowning and supreme error in this item (16) of agreement is the declaration that under existing law, regulations, and trade conditions the fur-seal species is in no danger of extermination.

It is passing out rapidly from existence; and in not less than four more

12. The large proportion of females in the pelagic catch includes not only adult females that are both nursing and pregnant, but also young seals that are not pregnant, and others that have not yet brought forth young, with such also as have recently lost their young through the various causes of natural mortality.

[Observe the "dust" over truth here.]

13. The polygamous habit of the animal, coupled with an equal birth rate of the two sexes, permits a large number of males to be removed with impunity from the herd, while, as with other animals, any similar abstraction of females checks or lessens the herd's increase, or, when carried further, brings about an actual diminution of the herd. It is equally plain that a certain number of females may be killed without involving an actual diminution of the herd, if the number killed do not exceed the annual increment of the breeding herd, taking into consideration the annual losses by death through old age, and through incidents at sea.

[Observe the fact that Jordan here knowingly signs an agreement that permits the killing of females, so as not to allow the restoration of the herd which he asks for in item 16.]

14. While whether from consideration of the birth rate or from an inspection of the visible effects it is manifest that the take of females in recent years has been so far in excess of the natural increment as to lead to a reduction of the herd in the degree related above, yet the ratio of the pelagic catch of one year to that of the following has fallen off more rapidly than the ratio of the breeding herd of one year to the breeding herd of the next.

[Observe, pelagic sealing has ceased to harm!]

18. This item of "fact" struck out completely.

19. In this greater reduction of the pelagic catch compared with the gradual decrease of the herd, there is a tendency toward equilibrium, or a stage at which the numbers of the breeding herd would neither increase or decrease. In considering the probable size of the herd in the immediate future, there remains to be estimated the additional factor of decline resulting from reductions in the number of surviving pups, caused by the larger pelagic catch of 1894 and 1895.

[Observe the complete denial of the "fact" in item 19 by this astonishing agreement as to an "equilibrium!" Not only has the pelagic catch increased in 1899 and 1900 from 24,332 seals in 1897, when this paper was signed, to 35,000 and 35,690 in those years, respectively, but the herd has steadily declined up to date.]

20. This item is struck out completely from this agreement.

16. The diminution of the herd is yet far from a stage which involves or threatens the actual extermination of the species so long as it is protected in its haunts on land. It is not possible during the continuance of the conservative methods at present in force upon the islands, with the further safeguard of the protected zone at sea, that any pelagic killing should accomplish this final end. There is evidence, however, that in its present condition the herd yields an inconsiderable return either to the lessees of the islands or to the owners of the pelagic fleet.

[Observe this ridiculous result in "agreement," after two seasons of study of the subject by Jordan; observe the positive negation of each and every order to stop pelagic sealing which Jordan has signed, and observe the utter and silly error of statement as to profits of the pelagic

seasons from date (April, 1902) the male life on the islands will be completely destroyed, and the female life, with the birth rate cut off by result of operation of natural law, will follow it, in spite of all that we can do, unless we act now.

sealer: The profits of these hunters in 1898, following this agreement, were 20 per cent gerater than in 1897; in 1899 they were 50 per cent greater; in 1900 they were 150 per cent greater, and this season of 1901 they have been 145 per cent greater. (*See* Exhibit H, ante.)]

Note, supplemental.—When this joint agreement as to conclusions was signed at the State Department, and before the ink was dry, the following advice of it was at once given to Lord Salisbury by Professor Thompson, who was stated to be in "perfect agreement" with Dr. Jordan by that gentleman (Dr. Jordan) himself in a letter to Senator PERKINS, which was read in the Senate of the United States February 28, 1897. The utter inability of Jordan to understand his British associate can be well understood by the following copy (Blue Book, "U. S. No. 2, 1898"):

The British agent regrets that the herd has decreased in 1897, and also that the pelagic industry has declined in still greater ratio!

WASHINGTON, *November 16, 1897.*

MY LORD: I have the honor to transmit to your lordship a joint statement of conclusions regarding the present herd of the Pribilof Islands, which has to-day been completed and signed by all the delegates.

Your lordship will perceive that we agreed upon specific statements that a certain number of females may be taken without actually diminishing the herd, that the diminution of the herd is far from a stage involving or threatening the extermination of the species, and that under the methods in force on the islands, and safeguarded by the protected zone at sea, pelagic sealing can never accomplish this final end; further, that the pelagic industry is conducted in orderly manner and in a spirit of acquiescence in the limitations imposed by law. On the other hand, we have, unhappily, to record a decrease in the herd and a still greater decrease of the pelagic industry.

I have, etc.,

D'ARCY W. THOMPSON.

This is the sum of the scientific labor of Dr. Jordan during 1896-97, and this is the best understanding which he and his associates have been able to arrive at. While the fur-seal species of Alaska is actually passing, under his eyes, out of all existence on those islands, he is unable to see it; he is unable to grasp the self-evident truths of the past records of this business, and to observe their reappearance on the ground to-day under existing law, regulations, and conditions.

The young male life on the rookeries is drained to the dregs at the present hour, but unless we stop the work of the pelagic hunter, there is no sense or reason in stopping our work of killing on the islands. To do so would simply be to save life there for the Canadian hunter to indecently slaughter at sea, and merely prolong the cruel and shameful extermination of the species which is sure to ensue if that hunter is not suppressed.

If we step in and kill off the surplus female life ourselves, down to a margin of ten or twelve thousand, that, at once, will put the pelagic hunter out of business, and at the same time it warrants us in saving the right proportion of choice young male life on the breeding grounds, which we must save at once or else lose the life itself.

Killing these female seals ourselves, harsh as it may seem in the abstract, is, in fact, an act of the greatest mercy to the herd, since it eliminates the extreme brutality of the pelagic hunter's work. It anticipates and prevents the slow torture to death of tens of thousands of helpless young seals which is officially observed and counted every season now by our agents under existing law.

It is but one killing, and the work ends, if we do it; if not done by us, then this infamous butchery of the pelagic hunter will continue year after year in the future, as it has prevailed year after year since 1893, and will only end by the total destruction of the species in 1906-7.

In short, if we do not stop by the method of this seal bill that work of the pelagic hunter, then we can not ask our people to stop their work on the islands; it is manifestly wrong and useless to do so. If we do not stop the pelagic sealer, then the swift extermination, total and complete, of this remnant of the Alaskan fur-seal herd is right at hand, owing to the combined operation of natural and unnatural causes.

HENRY W. ELLIOTT.

LAKEWOOD, NEAR CLEVELAND, OHIO, *December 3, 1901.*

Now, Mr. Speaker, this picture of the "thorough performance" of the work of the Jordan-Thompson commission is drawn true to life, and it illustrates in sharp, clear outline the folly of sending inexperienced men up to investigate a subject on the seal islands about which they knew nothing prior to their appointment, and it also clearly shows that such agents succeed only in the direction of making confusion worse confounded; that they wreck and ruin a good cause.

In this connection it is only right that I give to the House the genesis of this mischievous work of the Jordan-Thompson commission, and an epitomized account of the progress of those "negotiations" which Mr. Olney assured the Senate (March, 1896) would enable him to better the shameful order of affairs on the seal islands of Alaska. It was upon his assurance of success that the Senate did not pass the seal bill now pending, though it was favorably reported from the Foreign Relations Committee and placed on the Calendar March 4 and made a special order for March 16, 2 p. m.

EXHIBIT C.

Being extracts from the official records showing the progress of the failure of our agents to revise, alter, or amend the regulations of the Bering Sea tribunal, 1895-1897.

The following chronological analysis is an official exhibit of the abortive negotiation of the agents of the United States in the matter of the amendment of the costly and useless regulations of the Bering Sea tribunal, and for which the Dingley seal bill was dropped, while pending in the Senate, March 16, 1896, at the request of Richard Olney, Secretary of State, who asked that it be abandoned, since he was then successfully "negotiating" with Great Britain, and its passage would "greatly embarrass him, if not defeat these negotiations," etc.

[Taken from the British Blue Book, "United States, No. 4, 1897."]

March 11, 1896.—Richard Olney, Secretary of State, informs the British minister that "28,000 seal pups died on the Pribilof Islands during the past season from starvation, their mothers having been killed at sea." He asks that the British Government consent to having "further regulation" made during "the coming season," to the end that "the valuable herd may be saved from total extermination." (P. 53, No. 34.)

This letter is the "negotiation" which Mr. Olney considers ample warrant for his asking Senator FRYE to drop the Dingley seal bill, H. R. 9026, then before the Senate, being made a special order for March 16, 1896, and this letter is answered, after it has been carefully studied by the Canadians, as follows:

April 17, 1896.—Lord Salisbury, British premier, answers by saying that Mr. Olney's statement that 28,000 seal pups died from starvation last year is "founded on the assumption" and not on the fact that "the death of these pups was due to the direct result of their mothers having been killed at sea," and goes into an extended analysis of the same to show Mr. Olney that he (Mr. Olney) does not know what the facts are, and denies any necessity for any change during the coming season. He, however, has no objection, and is "desirous" of conducting an "independent inquiry" into the "state of the herd" by an "agent sent from this country," etc. (P. 57-58, No. 38.)

Sir Julian hands this to Mr. Olney April 29, who swallows the rejection of his argument without comment, and hastens to knuckle down in the following submissive note—of which the extract below only is made:

April 29, 1896.—Richard Olney informs Sir Julian that he accepts Lord Salisbury's amendment to his (Olney's) letter of the "11th ultimo," and ventures "to suggest" that the British agent stop over here on his way to Alaska and see the "expert," Mr. Hamlin; "the objects of his mission would probably be greatly promoted." (P. 62, No. 43.)

Lord Salisbury then proceeds to fix the status of the British investigation agent (and that of course fixes the powers of Olney's), that no negotiations will be reopened pending the receipt of his report, and closes the door on Olney for that issue during the coming season.

May 14, 1896.—Lord Salisbury informs Mr. Bayard that, "pending the receipt of the report which the agent will be instructed to furnish, Her Majesty's Government will not be in a position to enter upon negotiations." (P. 63, No. 46.)

After sleeping on this defeat, Mr. Olney finally plucks up courage enough to try and get a change in the "firearm" regulations, as to sealing them up, etc. He stirs up Lord Salisbury, as follows:

July 2, 1896.—Richard Olney sends a copy of a letter of Charles S. Hamlin, Acting Secretary of the Treasury, in which he asks that the British Government's consent to a change in the existing firearm regulations be made, itemizing the same. Mr. Olney asks that "Her Majesty's Government agree to the foregoing suggestions," etc. (P. 74, No. 56.)

In order to give Mr. Olney's wounds time to heal before knocking him out again, Lord Salisbury waits until the 7th of August before administering the second "turn down," viz:

August 7, 1896.—Viscount Gough (acting for Sir Julian) addresses Mr. Rockhill (who is acting for Mr. Olney), saying that with regard to certain amendments to the existing regulations suggested by Mr. Hamlin, "Her Majesty's Government regrets that they can not enter into the supplementary arrangements in regard to sealers entering Bering Sea suggested by Mr. Hamlin." (P. 79, No. 63.)

The amiable Mr. Hamlin, not relishing this cool turn-down, manages to inspire the crestfallen Mr. Olney with a supply of fresh courage enough to drive out the following letter, in which he is bound to have something in the nature of an offer made by him accepted by Salisbury, so he sends the following "clever" note:

October 13, 1896.—Mr. Olney writes to Viscount Gough, saying that the detailed reply to his (Olney's) note of 2d July last has caused Mr. Hamlin to address him a letter on the 3d instant, in which Mr. Hamlin "calls attention to the somewhat surprising statement" contained in Viscount Gough's communication, etc., but that "in view of the fact that the sealing season is now finished," etc., he "would suggest that the whole question be postponed pending the receipt of Jordan's report," etc. (P. 82, No. 66.)

Olney was gratified this time, for the British premier promptly agreed to the postponement. But he rubbed a little salt into that agreement, however, for he coupled it with a note of warning for Mr. Olney, as follows:

November 14, 1896.—Lord Salisbury informs Sir Julian that "Her Majesty's Government agree to postpone further discussion into a revision of the firearm regulations, "but in view of the concluding paragraph of Mr. Olney's letter of the 13th ultimo, your excellency should be careful to avoid any expression which might be construed into an admission that Her Majesty's Government contemplate a revision of the regulations before the period named by the Arbitration Tribunal has expired." (P. 83, No. 67.)

After sleeping a month over this understanding with Lord Salisbury, Olney, through the pressure of the amiable Mr. Hamlin, seems to think the limit of this proposed postponement has been reached, and he thinks the question ought to be now taken up without delay; so—

December 15, 1896.—Mr. Olney informs Sir Julian that he wishes now to "reopen the question" and have "it settled before the sealing season of 1897 opens," etc. (P. 83, No. 68.)

Lord Salisbury, after wondering over the persistency of Mr. Olney in putting his [Olney's] head into a poke, finally punches it again, deliberately and slowly, thus:

January 14, 1897.—Lord Salisbury asks Sir Julian to "inform the United States Government," and "explain to them" that "the Canadians must act in the premises first," and "until they do act," he will do nothing, etc. (No. 69, p. 85.)

Mr. Olney braces up again, and ventures to inquire as to what the Canadians are likely to do (which of course Lord Salisbury has not the least idea of, no more than Olney).

January 23, 1897.—Mr. Onley asks Sir Julian "when the Canadian government will probably be prepared to take action in regard to the question," etc. (P. 86, No. 70.)

On the 9th March Lord Salisbury informs Sir Julian (p. 87, No. 72) that he is "still in correspondence with the Canadians" over this question, and a further communication will be made, etc., over these points; and that ends it forever, in so far as Mr. Richard Olney goes.

The foregoing record of complete failure following the request made in March, 1896, that the Dingley seal bill be dropped, is fastened on Mr. Richard Olney in the most complete and enduring manner and form by the official records quoted above.

The next chapter in this wretched record of our official inability to meet the Canadians successfully with a good cause in our hands is furnished by the record of the John W. Foster management of the business, and that appears in the following sequence, bearing in mind all the time that Messrs. Hamlin and Jordan are in constant accord and full understanding with the Hon. John W. Foster.

MR. JOHN W. FOSTER—HIS RECORD OF BOTCH WORK.

The State Department letters quoted under this head are signed by John Sherman, Secretary, but it is admitted in that Department that they were all prepared by John W. Foster and Charles

S. Hamlin. Those who were acquainted with the physical condition of Mr. Sherman can easily explain why it was done.

March 6, 1897.—Lord Salisbury asks Sir Julian to inform the United States Government that he has received a copy of Dr. Jordan's report for 1896, but that up to date he has not received a copy of Dr. Thompson's report, but that it will be forwarded just as soon as he gets it. He says that Dr. Jordan's report does not present any facts that warrant the statement of an "early extermination" of the seal herd, and that Thompson has the same opinion. He will not agree to any change in the regulations for the coming season of 1897, and wants Thompson to go up again this year, etc. (P. 86, No. 71.)

March 12, 1897.—John Sherman asks Sir Julian as to "when the Canadian government would take action in regard to the inspection of seal skins;" it is so urgent, and it ought to be attended to at once, etc. (P. 88, No. 73.)

Thompson's report not being at hand, and Jordan telling Foster that it contains a "perfect agreement" with himself on all "vital" points, the Hon. John W. Foster importunes Sir Julian for a copy of it or advance sheets, being quite certain in his mind that the British Government are afraid to have its conclusions published. In order, therefore, to let Foster have a clear understanding of what Thompson really did conclude, Sir Julian informs Foster of the truth.

March 23, 1897.—Sir Julian informs Mr. Sherman that "Professor Thompson has stated to Her Majesty's Government his views as to the various points in regard to seal life, which require further investigation to enable Her Majesty's Government to consider the question of revising the regulations," but from his information "there is apparently no reason for any fear of danger to the herd at the present time," etc. (P. 89, No. 74.)

This kind of staggers the belief of the Hon. Mr. Foster, but he still suspects a "nigger" in the Salisbury wood pile, and he employs the following "diplomatic" stroke over Sir Julian's head to smoke him out.

April 10, 1897, London.—Mr. White (embassy of the United States) addresses Lord Salisbury that "as a result of the investigations made last year in Alaskan waters by Dr. Jordan, with whose views Professor Thompson, who was sent by Her Majesty's Government to make similar investigations, is believed to concur," has forced the President to believe that the seals are on the verge of "early extinction," and that it is a matter of grave concern to him (the President), etc. He asks that the modus vivendi of 1891 be taken up and put into force for the coming season, and he says that if this modus is taken up at once and agreed to, Thompson can visit the seal islands again(!). He wants a reply at "the earliest date which may be practicable." (P. 89, No. 75.)

This implication, coarse as it was and thinly veiled, that Lord Salisbury was suppressing the points in Thompson's report, was just the fool document needed to put that gentleman on his mettle and to destroy all further chances, if any ever existed, for the Hon. John W. Foster to use his "diplomacy" in behalf of the seals. In the meantime Lord Salisbury had received the following from Sir Julian, which clearly disclosed the "Hon. John W. Foster's" hand in the preparation of the White note, quoted above:

April 11, 1897.—Sir Julian informs Lord Salisbury that "the Hon. John W. Foster, who was United States agent at the Paris arbitration, has been nominated by the President a commissioner to carry on the negotiations and conduct the correspondence on the subject on behalf of the United States Government." (P. 90, No. 77.)

Foster was formally appointed on the 9th of April, but was actually at it from the beginning of McKinley's Administration, March 4, 1897. Lord Salisbury was, of course, privately well informed as to the authorship of the seal letters and propositions which officially came to him signed by "John Sherman" and the "President." He knew the lightness of the Foster caliber, and undoubtedly chuckled over the rapid succession of confused, inaccurate, and impertinent statement and suggestion which came from this time on to him from our State Department as to the fur seals.

On the 9th of April, 1897, Mr. Foster led off with the following proposition made to Sir Julian through John Sherman—the original suggestion of the scheme came from Mr. Hamlin, who was urging Judge Gresham, then Secretary of State, to press it during the winter of 1895:

April 9, 1897.—Sir Julian writes saying that this day Mr. Sherman wants him "to sound the British Government" as to desirability of settling the seal question by an international agreement between "the United States, Great Britian, Russia, Japan, and Hawaii to prohibit absolutely the killing of fur seals both on land and at sea for such a period as might be found necessary for the herds to regain their normal numbers," etc. (P. 9, No. 78.)

While Sir Julian was sending this proposition, verbally made to him on that day by John Sherman, Mr. Foster had prepared and forwarded the following letter, which was brought out by the plump denial of any immediate danger to the seal herd, based upon Jordan and Thompson's reports, by Lord Salisbury, quoted above, under date of "March 23, 1897" (P. 89, No. 74):

It will be observed that it is the prelude to the White note, quoted above, and coarsely insinuates that the British Government is suppressing Thompson's report for a purpose. It then goes into a discussion of statistics and facts which are simply confused, unfortunate, and erroneous in application, and winds up with the broad hint that the British Government does not, perhaps, mean to act in good faith. As a forerunner of the notorious "shirt sleeve" letter of the 10th of May following, it is interesting as a study of the antecedents of the most senseless and mischievous letter, of American authorship, that ever went into the official files of the State Department.

April 9, 1897.—John Sherman addresses Sir Julian with a long letter devoted to an attempt to show why Lord Salisbury is in error with regard to the conclusion of Julian's report; that the President is "greatly concerned;" that it is "unfortunate for this Government that it does not possess Thompson's report," and winds up with an urgent request that a modus vivendi be agreed upon at once for 1897, etc. (p. 92, No. 79).

The White note and this one just quoted bring out from Lord Salisbury the following non sequitur, denying, paragraph by paragraph, the erroneous statements contained in them, and carefully omitting to answer the correct charges; it also denies the modus vivendi, and really closes the subject for the current year; it also sends Thompson's report for 1896, and denies any agreement in it with Jordan's "facts."

April 22, 1897.—The British premier informs Sir Julian that the demand for the modus vivendi and the claim of extreme urgency is "reputed to be based on the result of Dr. Jordan's investigations last year, in which it is stated that Professor Thompson is believed to concur. I am unable to inclose for communication to the United States Government copies of Mr. Thompson's report, from which it will be seen that the President is mistaken in supposing that, in the opinion of the British agent, there is any immediate cause for alarm. * * * Dr. Jordan's report has been carefully examined, and it does not appear to contain any facts" which would warrant the statement made in Mr. White's note as to the "depleted condition and prospective early extinction of the herd.

"If the United States Government is prepared to give adequate compensation to the sealing fleet on account of its enforced abstention from the fishery this season, Her Majesty's Government would have no reason for refusing their assent to a modus vivendi, but they do not gather that such is the case, and it would be impossible for them to submit a vote to Parliament for the purpose, holding as they do, that no sufficient reason has been shown for its necessity."

As regards the proposed conference, Her Majesty's Government are of the opinion that "further investigation is necessary" on "many points connected with seal life before the questions at issue could be discussed with the hope of obtaining any satisfactory result. * * * And Her Majesty's Government must adhere to the view set forth in my dispatch of the 6th ultimo, that further investigation is required before the question of revising the regulations can be considered," etc. (p. 95, No. 82).

The following letter from Lord Salisbury is a categorical denial of John Sherman's long letter of April 9, quoted above. It goes into detailed analysis of the confused and blundering statements and figures used by Messrs. Foster and Hamlin in that letter, and, in short, makes our complaint appear to be positively silly as it is put out by Foster.

May 7, 1897.—Lord Salisbury to Sir Julian; proceeds to pick to pieces the incoherent items of John Sherman's letter of the 9th ultimo, and literally riddles it; it is interesting to note the contents of this letter, which were on the way over the ocean at the very time the notorious "shirt-sleeve" letter was prepared and sent by Foster and Hamlin; had these authors of that boomerang been aware of the text of this letter at that time, the "shirt-sleeve" letter would never have been written and posted, but it was composed and finished and mailed May 10, and in the hands of John Hay at about the same time that this letter of Salisbury got into our State Department. These letters passed each other, going and coming, on the ocean. (P. 99, No. 90.)

The following letter, the "shirt-sleeve" letter, was written by John W. Foster and Charles S. Hamlin. It is the attempt of those two men who got into water far beyond their depth, and it is the letter that made an end to all further successful attempts by the McKinley Administration to alter or amend the shameful order of affairs on the seal islands. It is a very long letter, filled with a perfect medley of truth and error in statement, and of silly opinion and inference. It covers nearly nine pages of the British Blue Book.

The most amazing circumstance about the whole affair is that the President, when this letter was read to him, did not stop it and alter its coarse tone and senseless insinuation of Great Britain's want of common honesty and good faith. The authors of the letter were very proud at the time of this rambling, self-contradicting, and mischievous screed, but it is said that Ambassador Hay, when he first received it, was struck with these faults just mentioned and tried to have it withdrawn, or greatly modified, but that he was peremptorily directed to deliver it to Lord Salisbury. He did so on May 22, having held it up nearly a week.

May 10, 1897.—John Sherman writes to Mr. Hay a long letter expressing his regret that the British Government has rejected the modus vivendi, and the joint conference of expert agents of the powers he suggests for 1897. He says that it is "surprising that Her Majesty's secretary should base his rejection of the proposals of this Government, so impressively submitted, upon the report of one scientist whose facts and conclusions are incorrectly apprehended, and the delayed report of another, which is for the first time made public," etc. * * * (P. 104-111, No. 94.)

To this ill-advised and inaccurate letter, long and tedious, Lord Salisbury never made any reply. He gave it the quietus of silence, and at the same time turned his back on any further advances from the same source—from John W. Foster and his associates. Then and there ended any and all successful effort for any revision or betterment of the conditions on the seal islands while John W. Foster had anything to do with it in so far as Her Majesty's Government was concerned.

But on page 120 (No. 105) of this Blue Book, quoted, appears a ten-page letter signed by "Edward Wingfield," dated "Downing street, July 26, 1897," and addressed—"Colonial Office to Foreign Office"—"Received July 26, 1897," in which the "shirt-sleeve"

letter is literally eviscerated and dissected, and ripped to nothing but shreds; unquestionably the data was furnished by the Canadian managers, but the blundering statements of fact, the coarse insinuations, and the shallow "regrets" of Mr. Foster are turned inside out by this clerk in Mr. Chamberlain's office.

In order to break the force of the utter, complete collapse of the case of the United States in this business, Mr. Hay, by virtue of his personal worth and entire innocence of any association with the authorship of the "shirt-sleeve" letter, was able to get the thoroughly disgusted British prime minister to agree to an informal meeting of Jordan and Thompson, as experts, at Washington, and nothing else, with no power to revise things, viz:

July 28, 1897.—Lord Salisbury addresses Mr. Hay, saying:

"In the last paragraph of the dispatch, addressed to you by Mr. Sherman, under the date of the 10th May last, and communicated by you to me on the 22d of that month, a wish is expressed for a conference of the powers interested in the fur-seal fishery of the North Pacific.

"In reply I have to state that Her Majesty's Government are willing to agree to a meeting of experts nominated by Great Britain and Canada, and by the United States, in October next." * * * (P. 130, No. 106.)

The above succinct and direct citations from the official record show exactly what our agents did to botch and wreck our case, after holding up the Dingley seal bill in 1896, down to the final extinction of it by that "joint statement," signed in the State Department; the progress of that particular work began and ended as outlined in the following record, also taken from the British Blue Book and the Report of Dr. David Starr Jordan, February 24, 1898.

THE GENESIS OF THE "JOINT STATEMENT OF CONCLUSIONS," ETC., SIGNED BY THE AGENTS OF THE UNITED STATES WITH THOSE OF GREAT BRITAIN NOVEMBER 16, 1897.

April 9, 1897.—John W. Foster is appointed by the President as a "special commissioner," to negotiate with Great Britain for a revision of the costly and useless regulations of the Bering Sea tribunal. Jordan has impressed the Administration with the belief that he has secured a perfect agreement with the British agents for the suppression of pelagic sealing. To be sure of this, however, a "diplomatic agent," "astute" and "brilliant," is needed to manage the landing of this agreement; so Foster is selected!

May 10, 1897.—After receiving the official refusal of the British Government, dated April 22, to reopen the sealing question, John W. Foster and Charles S. Hamlin prepare and send to Ambassador Hay, for Lord Salisbury, the notorious "shirt-sleeve" letter. Mr. Hay had sense enough to try and suppress it, but the Administration, at that moment, thought it a fine state paper, and overruled Mr. Hay. It was given to the British Government May 22, 1897, but Mr. Hay succeeded in so warning the Administration as to its effect if made public that the Associated Press copies of it, which had been sent out, were held up until the 14th of July, 1897, when it was suddenly published in the New York Tribune, and in that paper alone, and contrary to orders.

This publication of that rank diplomatic work of John W. Foster aroused so much contempt and indignation in England that the door of Lord Salisbury's office was promptly and silently closed to Mr. Foster. The British premier caused it to be officially published that he refused to have any official intercourse with Mr. Foster, even though that person was in London at the time (July), and that Mr. Hay was the only one who could address him.

Thus it will be observed that at the very outset of this business of arranging for the Jordan-Thompson seal conference Mr. Foster, by his want of sense and total inability to manage it, has destroyed any chance for a successful outcome of its meeting in so far as the British Government was concerned, and the fact is as plain as a pikestaff.

In spite of this proof of his incompetency and dead failure, this man, the Hon. John W. Foster, in order to keep up appearances and have some reason for his official being as a "special envoy," etc., posts directly from the closed door at Salisbury's office to St. Petersburg, and there actually invites the Russian Government to send delegates to attend a joint conference of English, Japanese, and American experts with power to revise the rules and regulations of the Bering Sea tribunal!

And he went still further as a "diplomat" and "special envoy," etc., for he caused it to be published (August 1) in the press dispatches of this country that these delegates would all assemble at Washington in October, with full powers to revise the Bering Sea regulations if they saw fit to do so.

This publication aroused the Canadian government, and it promptly issued, through Lord Salisbury, a vigorous denial of any participation by Great Britain in such a conference.

Nevertheless the Hon. Charles Sumner Hamlin is posted over to Tokyo as another special envoy to invite the Japanese Government to send delegates to this forbidden feast.

The net result of this stupid officialism was an indignant and disgusted meeting of Japs and Russians at the State Department, about the middle of October.

Of course what they did amounted to nothing, and they knew it; they were buncoed and steered into an absurd dress parade at Washington.

In the meantime, to break the force of this fur-seal fiasco as managed by John W. Foster, Mr. Hay, who was our ambassador at London, prevailed upon Lord Salisbury so that the British agents, Thompson and Macoun, were permitted to meet our agents, Jordan and Hamlin, "informally," that they might talk over the subject all they desired to, but that no powers whatever were vested in them beyond that.

Dr. Jordan ought to have seen by this time that he had not succeeded in getting this "perfect agreement" with the British agents, and that he was done for, boxed up, and laid away. But his fatuous soul persisted, and in order that no further disturbance f rom his quarter should ever manifest itself, the Canadians took him up on his "perfect agreement" and secured one in the conference, November 16, 1897, which exactly suited them and nonsuited our case.

Mr. Speaker, this exhibition of Mr. Olney's failure to handle the Canadians was swiftly followed, as you have seen, by the mischievous and incompetent work of John W. Foster, who was for some inscrutable reason—by reason of some accident—taken up to right this utter collapse of Mr. Olney's plans.

It should be plainly stated to the House that this is the same John W. Foster who so mismanaged our case at Paris, 1891–1893, that we were shamefully humiliated and overwhelmingly defeated on each and every count submitted by us to the tribunal of arbitration.

He now comes onto the scene again, with a fresh lease of life for his ignorance and incompetence; he proceeds to live right up to his record, and at once begins in the following fashion:

EXHIBIT D.

Showing the progress of the international "seal conferences," at Washington, in which agents of Russia, Great Britain, Japan, and the United States took part, as given to the public by our agents in the State Department, down to the date of the dissolution and failure of these conferences, November 16, 1897, closed by the following declaration of the Canadian Minister of Marine and Fisheries, in which he tells the truth, and boasts of the triumph of his agents:

TORONTO, *November 27.*

Sir Louis H. Davies, at a meeting of Liberals here last night, referred to his recent visit to Washington to attend the seal conference. He said:

"The seal experts settled the question of fact in such a way that hereafter it can not be opened up. We know exactly where we are." (General press dispatch, Cleveland Plain Dealer, Nov. 28, 1897.)

After the British Government had officially refused to enter into a modus vivendi for 1897 and to take any part in a joint conference with agents of Russia, Japan, and our Government, under date of April 22, 1897 (British Blue Book, U. S. No. 4 (1897), No. 82, p. 95), the Hon. John W. Foster, who was appointed April 9, 1897, to manage this business, again comes forward and again gives proof of his unfitness to handle the subject. He actually goes in person to St. Petersburg during July following the date of the refusal of Lord Salisbury quoted above and invites the Russian Government to send delegates to this forbidden conference, and the same improper invitation is given to the Japanese Government in person at Tokyo by "Special Envoy" Charles S. Hamlin.

The Russian delegates arrived in Washington on the 12th of October, 1897; they were followed by the Japanese delegates on the 18th of that month. they were naturally much chagrined and stirred when they learned the truth as to the part they were taking in a farce. Mr. Foster had to do something at once to quiet them, so he and his associates gave out the following stuff and nonsense to the press:

TO PROTECT SEAL HERDS—RUSSIA'S STRINGENT REGULATIONS ON THE SUBJECT—ZONE LIMIT OF 30 MILES—ONLY RUSSIAN CITIZENS PERMITTED TO OPERATE WITHIN ZONE AND TO KILL NO SEALS EXCEPT THE BACHELOR, WHEN FOUND ON LAND—PUNISHMENT FOR FOREIGN POACHERS—ADVANCED ATTITUDE IN COMING CONFERENCE.

Although formal conferences on the Bering Sea question will not open until after the arrival of the Japanese delegates, yet the presence here of two of the Russian delegates has permitted the authorities to inform themselves quite thoroughly as to the attitude of Russia on the protection of the seals. It has brought out the fact that Russia takes an advanced position in preserving her seal herds, and has more stringent laws and regulations in that direction than any of the countries interested. Under the Russian system a zone 30 miles wide is established around seal islands belonging to the Empire. The seals found within this zone are regarded as exclusively Russian, and no other than the inhabitants of the islands can take a seal within these limits. This gives the Russian citizens exclusive rights over the seals, not only on the islands, but extending 30 miles seaward.

A British or Japanese sealer can not operate within the zone, except to buy skins of the Russian inhabitants of the islands. The Russians themselves are permitted to kill only bachelor seals, it being against strict regulations to kill a female or a pup seal. The females are guarded with special care, as the killing of one female is regarded as equivalent to the killing of three seals, namely, the female herself, her pup on land, and her unborn pup. Furthermore, the Russians are allowed to kill a bachelor only when the animal is on land, it being forbidden to kill any manner of seal in the water.

The Russian authorities see that these regulations are enforced. A fleet of Government ships patrol the 30-mile zone, and any foreign sealer who attempts to operate within these limits is seized. As a rule, the seized sealers are taken to Vladivostock, their catch confiscated, and severe punishment inflicted. This has led to many protests, but Russia has maintained thus far her rigid regulations against foreigners within the 30-mile zone.

In one notable case the ship *Dahlia*, cleared by a United States consular officer, but manned with a Japanese crew, attempted to take seals on the Russian islands. They were met with armed resistance and several of the Japanese were killed. Claims for indemnity were made against Russia, but never paid, as the Imperial authorities maintained their right to protect their property against invasion.

It is understood to be the wish of Russia in the forthcoming conference not to stop at the protective regulations already made, but to carry them further by increasing the width of the zone considerably beyond 30 miles. The Russian authorities have found by experience that many of the female seals go more than 30 miles to sea in search of food. The wish is, therefore, to make the zone so wide that it will extend to the farthest point to which females go for food. (Post, Washington, October 15, 1897.)

This absolute nonsense, gravely and solemnly drawled out here as the "advanced position of Russia" in "preserving her seal herds," sounds precisely like that "muffled oaf" argument made

by the Hon. John W. Foster at Paris in 1893, as the agent of the United States, the "brilliancy" and the "astuteness" of which cost us the most humiliating and shameful defeat that the record of American diplomacy discloses up to date—a record which makes Americans groan and excites mirth in Canada.

The Japs took the bait in good faith, and with the best intentions; they sent their delegates with Mr. Hamlin, who came back on the same ship with them. On their way over to Washington from San Francisco they heard, for the first time, that Great Britain had refused to meet them in conference. They were interviewed at Chicago, and their surprise and chagrin were very frankly expressed? We do not hear a word, however, from the Hon. Charles Sumner Hamlin, who gets them into this fiasco, which the Japs scent, but too late to "save their faces."

S. Fujita, director of agriculture in Japan, and Prof. K. Mitsukuri, presiding professor of zoology in the imperial university at Tokyo, arrived in the city this morning on their way as delegates from the Japanese Government to the seal-fisheries conference in Washington, November 12.

They were accompanied from Japan by Hon. Charles S. Hamlin, special commissioner of the United States, who bore the invitation for Japan to participate in the conference.

From San Francisco they were accompanied as far as Council Bluffs by Dr. David Starr Jordan, of Leland Stanford Junior University, who is also a delegate and will join them later in Washington.

Referring to the refusal of Great Britain to send delegates to the conference, Mr. Fujita said: "At the time of our leaving Japan we understood the United States, Great Britain, and Russia had agreed to act with us.

"The fact that Great Britain had refused was not known to us till our arrival in San Francisco.

"We are now awaiting instructions from our Government as to whether or not we shall participate in the conference. We hope to receive them in a few days at Washington." (Chicago Journal, October 15, 1897.)

In the meantime Dr. Jordan, who had joined them as a brother delegate at San Francisco, stops off en route and runs up to Minneapolis, Minn., where he interviews very freely; but considering the fact that he knows his Slavonian and Mongolian associates are going to be buncoed soon, he, oddly enough, says nothing about it.

"ARE BOTH TO BLAME—UNCLE SAM AND JOHN BULL HAVE KILLED THE SEALS.

"Dr. David Starr Jordan, president of Stanford University, California, and United States commissioner in the fur-seal investigations, is the guest of his brother-in-law, Edward J. Edwards, of 500 Eighth street S. Dr. Jordan is on his way to attend the international conference concerning the fur seals, and is accompanied by G. A. Clark, a graduate of the University of Minnesota, class of 1891, who acted as his secretary during the investigation.

In speaking of the frightful destruction of seals, Dr. Jordan said:

"The breeding females are the life of the herd, as only 1 male in 30 is allowed to enter it, and males have always existed in great superabundance. Since 1885 the American herd has fallen from 600,000 breeding females to 130,000; the Russian herd from 300,000 to about 50,000; the Kurile herd from about 40,000 to 1,200—that part of it now belonging to Japan now numbering 20 females as against 25,000 formerly. The Mexican herd (Guadaloupe Island), once numbering about 10,000, is now extinct. The sole cause of decline has been in all cases the same—the indiscriminate killing of females. For this great international crime two nations are solely responsible. They are Great Britain and the United States.

"One great obstacle to the success of negotiations in the past is the fact that we have never come into any conference with clean hands. American hands have destroyed one-third of our own herd, which once had a cash value of $25,000,000, and more than half the devastation of other herds has been due to American enterprise. We have allowed our pirates to destroy the seal herds of ourselves and our neighbors just as we allow squatters to burn off our forests to improve the feed for their sheep.

English they be and Japanese
That hank on the Brown Bear's flank;
And some be Scot, but the worst God wot
And the boldest thieves be Yank.

"If nations were as honest and as just in their dealings as private citizens are forced to be, the whole seal controversy could be settled in a day. And it must be settled." (Minneapolis Times, Oct. 17, 1897.)

This improvised and elegant verse of Dr. Jordan, in which the weakness of the Yankee is so feelingly expressed, is quite Fosterian in its fitness as a diplomatic prelude by our agents to a joint conference. Jordan is learning rapidly under this "astute" diplomat's guidance.

The Japs get into Washington October 18, and, being in a state of mind as to what they ought to do under the changed order of their understanding, they were steered up to the author of their embarrassment in the State Department, October 19—to Hon. John W. Foster. What that distinguished "diplomat" said to these oriental "experts" is not known, but it appears that the President sent for this "diplomat" early in the afternoon following the arrival of the Japs at the State Department. What Mr. Foster said as to his part in this fiasco is also not known; the reporters, who care for these little affairs to the best of their ability, however, secured and published the following:

TRICKED INTO IT BY SHERMAN—SIR LATONI SAYS JAPAN IS IN THE SEALING CONFERENCE ONLY OUT OF COURTESY.

OTTAWA, CANADA, *November 1.*

Sir Ernest Latoni, British minister to Japan, is in Montreal.

He says Japan is in the sealing conference only out of courtesy, having been misled by Sherman as to the facts. (Chicago Journal, November 1, 1897.)

The Japanese delegates to the tripartite conference on seal life, who arrived in Washington yesterday, called at the State Department to-day and were presented to ex-Secretary Foster, who has in charge the negotiations for the conference, by one of the secretaries of the Japanese legation. Mr. Botkine, of the Russian delegation, called at the Department to talk over the arrangements for the conference with General Foster. It is understood that they expect to make a short visit to New York this week, but will return on Friday in time to attend the first meeting of the conference on Saturday, October 23. The President had a conference with John W. Foster this afternoon, presumably to learn the status of the seal conference matter. (Chicago Inter-Ocean, October 19, 1897.)

On the 23d October, 1897, the Japanese and Russian delegates met in secret conference at the State Department, and by November 1, 1897, they came to a complete agreement—"if Great Britain would agree with them," etc.; their agreement was signed, and their treaty signed subject to that condition. This aimless, useless documeut now sleeps in the pigeonholes of the Senate Foreign Relations Committee, a sleep that will have no waking.

This solemn farce being concluded, the Hon. John W. Foster turned his powers of "skilled diplomacy" loose upon the coy and backward British delegates, and he actually sought to trap these wary birds by sprinkling banquet salt upon their tails in the following "brilliant" effort:

DINNER TO SEAL CONFEREES—A DISTINGUISHED GATHERING AT HON. JOHN W. FOSTER'S HOME—SCIENTISTS, DIPLOMATS, OFFICIALS, AND PROMINENT CITIZENS OF WASHINGTON MEET AT THE HOSPITABLE BOARD OF THE EX-SECRETARY.

Ex-Secretary of State John W. Foster last night gave a dinner to his associates of the international fur-seal conference, which is now in session in this city. It was a brilliant affair, and was perhaps the most distinguished gathering of scientists and public men ever assembled at a private entertainment. Mrs. Foster, assisted by Mrs. Pierre Botkine, the wife of the Russian delegate to the conference, received the guests in the magnificent music room, which was handsomely decorated with chrysanthemums and other cut flowers. The table was a mass of roses.

The guests of honor were Prof. David S. Jordan, Charles S. Hamlin, Japanese Delegates Shiro Fujita and Prof. Kakichi Mitsukuri, and the Russian delegates, M. de Wollant, Pierre Botkine, and M. de Routkowsky. Owing to the nearness of the election, many who had received invitations to attend were unable to do so, as they had left for their respective homes. (Post, Washington, D. C., November 2, 1897.)

It certainly was a "brilliant affair," and possibly the "most distinguished gathering of scientists and public men ever assembled at a private entertainment," as the long list of victims who attended amply attest, and who were received in the "magnificent music room," and who were fed on a table that "was a mass of roses!"

It also is noted in this list of guests present that while "the distinguished British scientist, Professor Thompson," was in evidence bodily, Sir Julian Pauncefote, the British ambassador, was shut out from this delightful entertainment "owing to the recent death of the Duchess of Teck." [Ahem! Did Sir Julian ask the Hon. John W. Foster to thus publicly give reason for not being present at this "brilliant affair," and if so, why is there no explanation of the fact that Canadians, too, are all missing from the roster of this rare diplomatic function?]

After the Russians and the Japs were out of sight and completely eliminated from the question Lord Salisbury allows the "informal meeting" of Jordan and Hamlin with his agents, Professor Thompson and Mr. James Macoun. The time and manner of the opening and procedure of this second international farce in the "seal conference" was given to the press by Mr. Foster and his associates, as follows:

EXPERTS IN SESSION.

Ex-Secretary Foster called on the premier early in the day, and later Sir Wilfred Laurier and Sir Louis Davies called on the British ambassador, Sir Julian Pauncefote, who accompanied them in a call on Secretary Sherman. Dr. Jordan, the United States seal expert, called on Professor Thompson, the British expert, and Professor Macoun, the expert of Canada, and it was arranged to have the meeting of experts at the State Department at 2 o'clock this afternoon, to consider the seal question.

CONFERENCE OF EXPERTS.

An understanding was reached that the experts should conduct the meeting, but that the distinguished gentlemen present would be free to ask questions and exchange views incidental to the exchange of expert testimony. This gives the meeting the more important aspect of a conference among diplomatic officials, although nominally Lord Salisbury's original condition that it was to be only a "meeting of experts" is being rigidly adhered to in all the formalities of the gathering.

State Department officials, as well as those of Canada, say that no definite line of settlement has yet presented itself and that the character of the settlement will depend upon the exchange of views between the experts. Much doubt prevails as to how far the treaty concluded Saturday between the United States, Russia, and Japan relative to the suspension of sealing will have a bearing on the matter. Up to the time the meeting opened neither the Britith nor the Canadians had been officially advised of the existence of the Russo-Japanese treaty.

Sir Wilfrid Laurier and party arrived here yesterday afternoon and took quarters at the Shoreham. The members of the party are: Sir Wilfrid and Lady Laurier, Sir Louis and Lady Davies, Miss Ethel Davies, Prof. J. M. Maccoun, Mr. R. M. Venning, Mr. R. Boudreau, and Mr. E. B. Williams.

RECEIVED BY THE PRESIDENT.

President McKinley to-day received Sir Wilfrid Laurier in the blue room at the White House. Secretary Sherman introduced Sir Wilfrid, who was accompanied by Sir Julian Pauncefote, British ambassador, Sir Louis Davies, and Professor Thompson, the British seal expert. The visit was entirely formal.

OPENING THE CONFERENCE.

The conference began at the State Department at 2.30 o'clock this afternoon. The meeting was held in the diplomatic anteroom, which a few days ago was the scene of a similar gathering of representatives of Russia, Japan, and the United States.

A treaty for the suspension of pelagic sealing was the result of the Russian-Japanese-United States conference, and the hope is expressed that similar action will be taken by the conference which began its sessions to-day.

It was made clear at the State Department that to-day's meeting was "a conference of experts," and that no other officials would take active part. The conferees are Mr. Hamlin and Professor Jordan on behalf of the United States, Prof. D'Arcy Thompson for England, and Professor Macoun for Canada. Two delegates are allowed the United States, in order to offset the apparent advantage of probable joint action on the part of the delegates from England and Canada.

All the delegates have spent many months in Bering Sea and vicinity investigating seal life and are thoroughly equipped for the work in hand.

The main purpose of their investigations was to determine the effect of pelagic sealing on the life of the herd. The individual reports of the experts will be considered at the present conference, with a view to reaching an agreement as to the best course of action for the protection and preservation of the seal herds. In case the American and foreign experts agree that pelagic sealing threatens the extermination of the seals, there is no doubt of a satisfactory arrangement between Great Britain and the United States on the sealing question.

There is reason to believe, however, that the English and Canadian experts do not altogether agree with the American experts as to the disastrous effects of pelagic sealing.

To-day's session was devoted mainly to organization and an agreement as to the course of procedure. Sir Julian Pauncefote, the British ambassador; Sir Wilfred Laurier, the Canadian premier; Sir Louis Davies, the Canadian minister of marine, accompanied the English and Canadian experts to the conference, and were present only as spectators, taking no part in the proceedings. Ex-Secretary Foster was present in the same capacity on the part of the United States. (Washington Evening Star, November 10, 1897.)

The carefully prepared introduction to an entirely fruitless conference, a sham battle, contains the carefully suppressed truth as to the barren result of the Japanese-Russo meeting of "experts" a few days earlier. It will be noted that the first hint of the failure of Jordan's "perfect agreement" with his British associate as to details of pelagic sealing is given out, covertly, in this statement.

The sessions of this conference, like those of the Russo-Japanese conferences, continued behind closed doors for six days, and until the Canadians had succeeded in getting Dr. Jordan to sign away himself every "fact" that he had prepared for them to sign. The only glimpses the public had of these confabulations appeared furtively in dispatches like the following: The "success" of our "experts" had at last rendered the Hon. John W. Foster dumb.

If the seal experts have reached a deadlock or have completed their labors, the fact has not been officially made known by Gen. John W. Foster, who has full charge of the negotiations. (Chicago Journal, November 13, 1897.)

But the Hon. John W. Foster did let a few hints escape, as follows, which did suggest a deadlock at the outset (which in truth was the fact), and it will be observed that the wit of the Canadian simply staggered the dull wit of that gentleman, though light was dawning.

WASHINGTON, D. C., *November 12.*

The third session of the experts on seal life was held at the State Department to-day, all of the representatives of the United States, Canada, and Great Britain being in attendance except Sir Wilfrid Laurier, who spent the morning in visiting the Catholic University. Mr. Adams, first secretary of the British embassy, took his place as the diplomatic representative of the Canadian government.

It is stated upon good authority that the Canadians will ask a counter concession from this country in the way of a guaranty for the protection of the northern fisheries in return for any alteration of the sealing regulations to which they may give their consent. They take the position that the fish along the Canadian and Newfoundland coasts are as much the property of Canada as are the seals on the Pribilof Islands the property of the United States, and contend that they have as much right to make demand for the protection of the fish against American fishermen as we have to ask Canadians to agree to further restrictions in the matter of killing the seals.

THE SPECIFIC COMPLAINT.

Their specific complaint is that while Canadian laws prohibit fishing except within certain seasons, the American laws do not impose corresponding conditions, and that while the taking of fish can be prohibited during the closed seasons within their territory, it can not be controlled outside of these boundaries. Many of the fish which properly belong within Canadian waters are thus picked up out of season by American fishermen. Sir Wilfrid Laurier will ask the United States to agree to the protection of these fish during the breeding season as an offset for any seal concession to which Canada may consent.

During to-day's conference a series of propositions was presented by the American representatives, covering the number and habits of the seals, and the extent to which the seal herd had been reduced during the five years in which the Paris award had been in operation. In turn, the British-Canadian representatives presented counter propositions, covering their view of the same subjects. (Chicago Inter Ocean, November 13, 1897.)

The mental activity of Dr. Jordan and his associate during such a slant from the "disastous effect of pelagic sealing" in this secret conference has been, unhappily, denied a record. But two days later the alert reporters pumped out a decided admission that Jordan's "agreement" with the British agents was a "flash in the pan." They got the following, all there was in the empty proceedings and resultant failure of our case:

Washington, November 15.—Canada is not disposed to accept our proposals looking to the preservation of the seal herds, and the diplomatic negotiations that opened so auspiciously and which had in view the permanent settlement of all old disputes are threatened with entire failure.

The affair will probably come to a head late this afternoon. The seal experts have agreed, and they are expected before night to submit a signed report embodying some undisputed statistics as to the decrease in seal life.

The agreement is on technical matters only, and has no effect except to lay the foundation for the diplomatic wrangle over the real question which, in a few words, is: "Will Canada quit?"

Secretary Sherman, acting through Special Commissioner of Reciprocity John A. Kasson, is prepared to submit to Sir Wilfrid Laurier and Sir Louis Davies two propositions which, if agreed to, will open the way to negotiations for reciprocity and fix matters as desired. The proposals are:

1. An agreement to suspend pelagic sealing for one year.

2. The beginning of negotiations for the permanent suspension of pelagic sealing.

As before stated, the Canadians are not disposed to accept these conditions. They regard such acceptance as an unconditional surrender, and while professing a willingness to meet on any ground of compromise, they claim they would not be supported in such a course by public opinion at home.

The present arrangement is that the diplomatic meeting shall take place after the experts have adjourned and presented their report.

There is a possibility that at this meeting a common ground may be reached which will at least result in the appointment of a commission to conduct further negotiations.

The chances, however, do not favor this result. (Chicago Journal, November 15, 1897.)

It will be noted that the Hon. John W. Foster, in spite of the perfect collapse of this business which he has been steering, hints at the hope of being at least able to secure a continuation of his "valuable" services in the "appointment of another commission to conduct further negotiations;" and it will be also noted that the Canadians do not agree. Why should they? They have bagged the game and they have no incentive or further use for the Hon. John W. Foster.

But yet, to make sure of the seal business—to clinch the nails which they have driven for their own, holding to that "joint agreement" in conference with our experts, and which the Hon. John W. Foster managed so well for them—they put the following official quietus to the faintest hope that this man and his associates might ever again entertain of getting any agreement with them to suspend pelagic sealing.

CANADA AND THE SEALS—ENGLAND INDORSES HER ACTION IN REFUSING TO CONSENT TO A CONFERENCE.

LONDON, *December 27.*

Lord Salisbury, the premier, has written to United States Ambassador Hay in response to America's latest proposals in the Bering Sea controversy—her request that England would enter into an agreement with the United States, Russia, and Japan to stop sealing. Great Britain declines to enter into such an agreement. Lord Salisbury says in substance that he has communicated with the Canadian government, which has the foremost interest in the sealing question, and that Canada is unwilling to become a party to such an arrangement as is proposed by the United States. Therefore England, continues Lord Salisbury, whose interest is but slight, would not be justified in acceding to the proposals. Lord Salisbury's answer emphasizes the policy of England not to interfere in Canada's foreign relations. (Plain Dealer, Cleveland, Ohio, December 28, 1897.)

While our own people looked at the affair in this light—

"The report that the Americo-Russo-Japanese seal conference, after barely a week's session, has accepted a proposition to absolutely suspend pelagic sealing gives one the unpleasant impression that the proceedings of the conference had been 'cut and dried.' That Great Britain and Canada could be induced to assent to an arrangement of this character is not to be thought of; nor is it conceivable how the prohibition of sealing on the high seas could be enforced without the assent of the powers which would be mainly affected by the projected taboo. If the report should prove to be true, the promise that the seal conference at Washington was to be an advisory body only would have been violated, and the suspicion of the British Government that Russia and Japan had been lugged into the conference merely to outvote the British and Canadian delegations would have been justified. Great Britain would have cause for congratulation that she did not permit herself to be inveigled into a packed court by Envoy at Large Foster's 'smartness.'" (Philadelphia Record, October 31, 1897.)

THE REAL ATTITUDE OF THE CANADIANS IN THIS BUSINESS OF PELAGIC SEALING.

In this connection it is only right and manly for us to give the Canadian hunter credit for what he stands for in the prosecution of an industry which is so cruel and so infamous. If we were in his place, we would be influenced and governed by the following items of fact:

1. Pelagic fur sealing has been practiced by the natives of the northwest coast from time immemorial, and by white men more or less since 1860 up to 1886, without objection from any quarter.

2. Objection being made, and an indictment served on him in 1887–1893 by our people, he took his case into the highest court which can be created on this earth for the settlement of disputes of this kind.

3. This court, at Paris, in 1893, licensed the work which he is doing to-day, and practically set aside our complaint.

That our case at Paris was simply botched and lost by the ignorance and incompetence of our agents does not weigh a feather's weight in his mind to-day; he will not admit it; he justifies his work by that verdict of the tribunal; he does, what I am free to admit, just what an American pelagic hunter would do to-day if the tables were turned and the possession of the seal islands vested in Canada.

Therefore it is not right for us to insist upon the Canadian's lack of a virtue in this matter which we ourselves do not possess; they are in the business for all that they can make out of it, and they intend to stick to it just as long as it will pay them.

Understanding the foregoing, is it not clear to any judicial mind that the only thing for us to do in the wretched situation, as it now stands for us, is to make at once an end to a business that is not only a losing one for us, but is positively indecent every year in its sequel and will soon exterminate the fur-seal species?

We have the legal right to do this, and we have also a higher

right; we have the moral right to put an end to this cruel industry; every impulse of humanity and every prompting of sound sense urges and demands of us that we do so. These motives insist that if the Canadian hunter will not let go, then that we should mercifully anticipate his work and wipe out an infamous industry which will endure indefinitely for his pecuniary gain and our sole cost and shame, unless we act accordingly.

In order, therefore, to make the best of a bad bargain it is necessary for Congress to provide the ways and means, and it will do so when the pending bill becomes a law.

It may be that when the Canadian hunter faces the ruin of his business next spring which this bill, enacted, brings to him, that he will become reasonable, and not insist upon the license which he enjoys to-day; it may be, and very likely, too, he will allow the real English sentiment to assert itself which was so well expressed by Professor Huxley in the face of our incompetent agents who urged him in 1892 to pronounce his judgment upon their papers which they submitted to him.

Since this sentiment of favor for such a measure as the pending bill comes from one who is known as possessing the greatest mind in British natural science, I take much satisfaction in quoting him. Professor Huxley says:

* * * "Finally, I venture to remark that there are only two alternative courses worth pursuing.

"One is to let the fur seals be extirpated. Mankind will not suffer much if the ladies are to do without sealskin jackets, and the fraction of the English, Canadian, and American population which lives on the sealskin industry will be no worse off than the vastly greater multitude who have had to suffer for the vagaries of fashion times out of number. Certainly, if the seals are to be a source of constant bickering between two nations, the sooner they are abolished the better.

"The other course is to tread down all merely personal and trade interests in pursuit of an arrangement that will work and be fair all around, and to sink all the stupidities of national vanity and political self-seeking along with them.

"There is a great deal too much of all these undeniable elements apparent in the documents which I have been studying.

"T. H. HUXLEY."

APRIL 25, 1892.

(Pro. Trib. Arbitration, vol. 2, Appendix I, pp. 413, 1893.)

No wonder that the foregoing caustic review of the bungling work of our agents at Paris, as well as that of the Canadian pettifoggers, caused those worthies on both sides to ignore Professor Huxley.

Just think! only think for a moment seriously, if you can, of the ridiculous reduction of this botchwork of John W. Foster in that fur-seal conference of 1897. Can anything, even in extravagant fiction, be more asinine in its conduct, or more impotent in its conclusions? Yet we have the Dr. Jordan of these idle evolutions gravely addressing a letter to the Ways and Means Committee only a few weeks ago (February 3, 1902), telling them that these seals were in no danger of extermination, and that he had left matters in fine shape, and that it was now a comparatively easy matter to stop pelagic sealing through the Joint High Commission.

Jordan is to be pitied, but not so Foster; that person, who has been the evil genius of this whole business since 1891, has a hide so thick that he does not seem to know that the Canadians have been, and are, wiping their feet upon him. Again he comes to the front as the spokesman of a "high joint commission," which it seems that the Canadians cooked up with his help in May–June, 1898. Sir Wilfrid Laurier and his official family at Ottawa shrewdly counted on having Foster put at the head of such a commission. Then, having this dull person there, they would so manipulate matters as to get what they wanted more, in re a boundary of Alaska, in addition to having in hand vastly more than is right with reference to the seals, thanks to the stupidity of our agents.

Well, the Joint High Commission is launched in July, 1898, and Foster at once gives our people to understand that this sealing business, which he has bungled and marooned at Ottawa, will now be settled so as to give us our rights. It should be stated here that the membership of this Commission was made up of five members on our side and five Canadians. Senator FAIRBANKS, of Indiana, was put at the head of it and Foster at the foot, because when the President proposed to make it up after the plan of Foster a great big kick was made by several Senators who had grown weary of the sight and sound of Foster in the premises.

As soon, however, as the Commission organized Foster got to work as usual, and managed to get the State Department snarled up on the present boundary modus vivendi before John Hay could get the nuisance abated; then and at once this boundary dispute strangled the aforesaid Commission February 22, 1899. It has never had a meeting since; it never will; and it never ought to be revived.

THE HIGH JOINT COMMISSION—A NEGATION AB INITIO.

Not discouraged by the resultant failure and humiliation of this wretched seal conference, the Hon. John H. Foster, soon after its death (and his, too), again is presented to us as a member of the High Joint Commission (Canadian-American), with all of his tattered diplomacy wrapped about him. He can not, from force of habit, let the public remain in ignorance of the following bit of "official" information, and again we are told that pelagic sealing has been terminated.

EXHIBIT E.

"NO PELAGIC SEALING—AN AGREEMENT IS REACHED BY WHICH CANADA AGREES TO TERMINATE IT—LONG-STANDING DISPUTE TO BE SETTLED AT LAST.

"WASHINGTON, *June 2.*

"The Canadian negotiations recently concluded here led to the preparation of a protocol which formerly agreed to the exact subjects to be submitted to an international commission. While the protocol makes no preliminary agreement on the several questions, yet it is the general understanding among officials that the Bering Sea question will be adjusted and finally settled by the complete termination of pelagic sealing.

"This has been a source of controversy for many years, the United States seeking to put an end to pelagic sealing and Canada contesting against this termination of an industry very profitable to many citizens of the Canadian Pacific coast. During the recent negotiations, however, it developed that this industry was practically extinct and was no longer profitable to any considerable number of Canadians. It was stated by those well versed in the matter that only two Canadian vessels were engaged at present in sealing operations in Bering Sea. Heretofore the Canadian sealers have gone to Bering Sea by the hundreds, and it was impossible for Canada to stop the industry without paying these sealers a very considerable sum, running into the millions, for the extermination of their industry.

Now, however, under the changed conditions, it is said Canada has only a few sealers to deal with, and is therefore in a position to meet the contentions of the United States without seriously injuring a large established industry. While no agreement toward giving up pelagic sealing was reached during the recent meeting, the discussion was along lines indicating that the coming commission will without difficulty and with due regard for the interests of both Governments put an end to Bering Sea controversies by agreeing to a complete suspension of pelagic sealing. It is understood also that the protocol specifically recites that there shall be three representatives from each Government on the Canadian-American commission. (Cleveland Leader, June 3, 1898.)

This misleading information is continued again by the following item given to the public, in which the Jordan-Foster scheme of buying out the pelagic rights and all that rubbish is seriously mentioned:

WORK OF THE JOINT COMMISSION—WILL BE COMPLETED SOME TIME IN NOVEMBER.

QUEBEC, *September 27.*

The Joint Commission is making progress and will probably complete its session in November. Subcommittees are busily at work and have accomplished much. The 12 original questions in the protocol have been thoroughly canvassed, and a basis of agreement reached on most of them.

In the matter of the fur seals of Bering Sea it is probable that the American Government will purchase the ships and equipment of the Canadian sealers on condition that all Canadian rights to the seal fisheries in Bering Sea be surrendered.

Few, if any, changes will probably be made in the laws governing the fisheries of the Atlantic and Pacific coasts; in the inland fisheries it is likely that both Governments will agree to adopt uniform laws for the better protection of the fish. (General Associated Press dispatch, September 28, 1898.)

"Subcommittees are busily at work," and "have accomplished much," says the Hon. John W. Foster. Yes, they were; and their accomplishment was the act of positive negation whenever and wherever any proposition submitted to this Commission came up, either here in Washington or over there in Quebec.

As to this hint drawn out in the above dispatch about the purchase of the Canadian fleet and their rights to pelagic sealing, which was the Foster-Jordan offer, and which these agents fancied that the Canadians would agree to, the following public declaration of the Canadian minister of marine and fisheries ought to have had its effect on the obtuse wit of John W. Foster. It was rubbed into him several months earlier, but lost in the mental vacuum of that man.

TORONTO, *November 27.*

Sir Louis H. Davies, at a meeting of Liberals here last night, referred to his recent visit to Washington to attend the seal conference. He said:

"They were told (the Americans) that the right to catch seals being a national right, vindicated by the great Paris tribunal as a legitimate industry on the part of British subjects, could not be disposed of for mere money consideration, and that Canada did not sell national rights for money." * * * (General Associated Press dispatch, Cleveland Plain Dealer, November 28, 1897.)

Yet Mr. Foster actually again took up this positive flat refusal of the Canadians, as a member of the High Joint Commission, and fiddled away upon it during the entire period of the idle and aimless meetings of that Joint Commission, giving out at intervals the above samples of rank stuff and nonsense which ran through the columns of our newspapers over the impending "success" of its deliberations in so far as the saving of our fur-seal herd was concerned.

The untruth of these misleading dispatches, and the complete failure of the High Joint Commission to agree upon anything, except to eat, drink, and travel back and forth between Washington and Quebec, is now a subject of public record.

The late Governor Dingley, who was appointed a member of this Commission against his wishes, said at the time to a friend that the idea of the Commission as announced and constituted was a mistaken one as to any settlement of the pending questions in that way. He also said that he did "not believe anything could or would come out of it of the least consequence one way or the other," for "it is too much of a debating club—a big debating

club, in fact, and it can never, by the very nature of things, agree upon any one thing that has been submitted, or all of the things."

Now, Mr. Speaker, we will come down from this folly and nonsense resultant of the work of the Jordan commission to the following statement of the actual condition of affairs on the seal islands to-day.

EXHIBIT F.

The condition to-day of the interests of the Government on the seal islands of Alaska is so bad that it fairly defies adequate description; it was bad in 1890; it was made still worse in 1893-94 by that result of the amazing incompetence of our agents and "experts" who ruined our case at Paris; then it has been intensified as a miserable condition of affairs by the additional increment derived from that idle and mischievous work of the Jordan-Thompson commission in 1896-97; it is now so settled that unless Congress provides the ways and means for a merciful and wise change, its existing shame and cruelty will exterminate the fur-seal species of Alaska. A brief review from the authentic records of the State and Treasury departments makes the following exhibit:

In 1893, on the 16th of August, the Bering Sea tribunal of arbitration, sitting in the city of Paris, rendered its decision against each and every count in our case then submitted to it.

Our claim of jurisdiction over the waters of Bering Sea was denied. Our claim of a property right in the fur seal was denied to us, in spite of weeks of legal vaporing on the part of our agents to gain its recognition, and, worst and most of all, our claim to the protection of our fur-seal herd from indecent and ruinous slaughter was, by the wretched bungling and dense ignorance of our agents, also denied to us. These agents at the date of the rendition of this verdict telegraphed to the people of this country that a "great victory" was won by them!

At that time most of our people who had given any attention to this subject were prepared to lose the first two claims; but they did not realize until the end of the season of 1894 that the regulations ordered by that Bering Sea tribunal, after being faithfully enforced during the sealing season of 1894, instead of saving our fur-seal herd from scandalous and ruinous slaughter, actually facilitated that very evil. The pelagic catch of 1894 was the largest ever known in the entire history of that business, and it still keeps that record.

In December, 1894, the late Governor Dingley, and the then Secretary of State, Judge Gresham, after repeated conferences and careful consideration of every phrase of this improper condition of affairs on the seal islands of Alaska, drew up a bill (H. R. 8033) for Congressional action, which was in substance, and indeed is literally, the same as the one now before the Ways and Means Committee. It was delayed in the House on account of the difficulty in promptly getting the exact figures of that immense pelagic catch of 1894 verified to the full satisfaction of the Treasury officials, and it was not acted on in the committee until the 18th of February, 1895. It was then unanimously reported (Rep. No. 1849) by the chairman, Mr. W. L. Wilson, to the House, and passed by a unanimous vote of that body the 22d of February. This was, however, too late for action in the Senate before the sine die adjournment of Congress on March 4, 1895.

This bill was again introduced by Governor Dingley (H. R. 3206) at the opening of the Fifty-fourth Congress, referred to the Ways and Means Committee, unanimously reported (Report No. 451) by him from that committee, and passed by the House, February 25, 1896, after full debate, without a dissenting vote. It was reported from the Senate Foreign Relations Committee by Mr. FRYE on March 4, and made a special order for March 16, 1896.

At this point the successor to Judge Gresham as Secretary of State, Richard Olney, stepped in and took the responsibility of informing Senator FRYE that he was "successfully negotiating" with Great Britain at that moment for the betterment of affairs on the Seal Islands, and hence the passsage of the pending seal bill "would greatly embarrass" him, "if not totally defeat the object in view."

This gave no alternative to Mr. FRYE or the friends of the bill. It was dropped, and the day it was dropped Canada got the better of our officials, as usual. She steered Mr. Richard Olney into the creation of the Jordan-Thompson Commission early in June, 1896, and then engineered the business so as to secure from our agents in this commission, Messrs. Jordan and Hamlin, a complete surrender of our complaint against pelagic sealing in the "joint statement of conclusions," etc., which these gentlemen unwittingly signed on the 16th of November, 1897, with their British associates, in the State Department.

In order that the committee may see clearly just what a mess of the business Jordan and Hamlin succeeded in making, I have prepared an analysis of the "joint statement" by which our case has been officially denied and surrendered through these agents, and I hereby submit it, as an appendix to these statements which I am now making. (See Exhibits VIII, IX.)

The committee will at once observe that each and every item of fact which condemned the infamous industry of pelagic sealing, that was prepared for the use of that conference by Dr. Jordan, into which he had been steered by the Canadians and John W. Foster, has been surrendered abjectly by that gentleman.

There is not a word, or a whispered word, in this "joint statement of conclusions" which admits that the chief cause of cruel death and waste of life is due to the effects of pelagic sealing, i. e., the starvation of the motherless young, or even hints at it.

There is not a word, or a whispered word, in any one of these items of agreement between Dr. Jordan and his British associates that suggests, even, the suppression of pelagic sealing, and not a word which hints at the impending extermination of the fur seal.

This outcome is bad enough—is pitiful enough for us if it stopped there; but, unfortunately for our case, it does not. The fifteenth item of agreement declares that a state of "equilibrium" has been reached in the business, whereby the herd has so diminished in number that taking it on land and in the water has ceased to be a profitable industry for either ourselves or the Canadian hunters. This is true, indeed, for our side; it is wholly true; but it is utterly untrue for the Canadian side. Not only have the Canadian hunters increased their profits more than 100 per cent since this "agreement" was signed, but they have increased their annual killing up to 28,552 in 18 8 to 34,000 in 1899, to 35,191 in 1900; and to about 25,000 in 1901, as against 24,532 seales taken by them in 1897, when this "equilibrium" was declared; and the price per skin has advanced from $6.50 in 1897 to $16 during these periods up to date. (See Exhibit III, appended, showing the land and pelagic catch, with prices realized, 1871-1901.)

In the meantime, our killing on the islands is running into the dregs of that surplus male life which alone we can kill.

This improper and unwarranted official negation of each and every one of our vital indictments of the Canadian work and its cruel, indecent result leaves to-day that remnant of our fur-seal herd now existing on the Pribilof Islands completely at the mercy of a band of alien sea wolves—absolutely in that control in so far as any attempt that can now be made by the State or the Treasury Departments to free it is concerned. Congress alone, and of its own initiation, must act in the premises or the shame and the cruelty that now characterizes this business will be followed in 1907 by the total destruction of the male life on the seal islands.

Let me try to make this statement clear as to indefinite continuation:

Out of the 4,500,000 fur seals of all classes which I found on the Pribilof rookeries in 1872-1874 only about 225,000 of all classes were left alive on those rookeries last year. Of this aggregate, about 100,000 were breeding females and their young, 80,000 pups, the balance being the yearlings of both sexes, and about 4,000 old bulls on the breeding grounds. Every young male seal above 1 year old that could be secured on the islands last summer was taken, 22,672 of them.

The male life was so reduced last season that only about 1,826 first-class skins were secured in the total catch of 22,627. The balance of the catch were small skins, smaller than have been taken by our people at any time before or since 1889-90 on the killing grounds. This clearly shadows out the collapse of the surplus male catch of good skins on the islands this season; it has taken place last year (1901) on the Russian islands (those islands not having had the saving restraint upon them of the modus vivendi of 1891-1893, which stopped all killing on the Pribilofs for that time, save a few thousand food skins).

But with the remnant of the female life of the herd it is otherwise. Under existing conditions our people are prohibited from killing or even molesting them on the land or in the sea—on the land by special acts of Congress, 1868 and 1870, and in the sea by act of 1897. The British pelagic hunter, however, has the right to kill these female seals at sea during certain months of the year, and as that right to kill these seals, which we now so carefully breed and protect for his use and gain, has been given to him by the highest court on earth, he never will surrender it to us unless we offer him in exchange for it something vastly more valuable—some right of our own people, which we will never agree to do.

But the continuation of this work of the pelagic hunter prevents us from checking the killing of all the best of the young males as they haul out annually; it is manifestly wrong for us to save this life on the islands only for the alien hunters to kill at sea. Since 1896 we have never permitted a young breeding bull to pass from the killing grounds to the breeding grounds. If a 1-year-old escaped last summer he is reasonably sure to be killed this season as a 2-year-old; if by any chance he does scrape through unseen he will certainly be skinned as a 3-year-old in 1903; and if by a miracle he should slip through he will never get beyond 1904 as a 4-year-old.

So, in this manner, it will be observed that the young male life can not reach the breeding grounds under the system in vogue to-day, and we can not change it in sense or reason unless the pelagic sealer is put out of business. We take all the young males just as rapidly and as sure as they land. The pelagic hunter gets 20 per cent of his catch also made up by their lives, plus the female seals which he builds 80 per cent of his work and profit upon, and which we can not touch under existing laws.

Therefore it can be seen at once that the males are subjected to an extra natural death rate from two fires—they are killed on the land and killed in the sea; while the females have only one such fire to withstand, or the extra natural death rate from killing at sea, since they are now so carefully bred and preserved from injury on the islands, by ourselves from ourselves, and at our sole cost.

Consequently the male life will go out first, and it has gone with geometrical or fourfold rapidity as contrasted with the exit of the female life. Hence, while the male life is fairly gone, and has been drawn upon to the dregs during this last season, the end of the female life will yet be long drawn out on the islands under the present order of affairs.

To this prolongation of that cruel and unmanly killing of nursing mother seals at sea—thousands and tens of thousands of them annually—entailing, as it does, the torture of slow starvation to death of the thousands and tens of thousands of their helpless offspring on the islands of their birth every September and October—to this extension of cruelty and barbarous work every man and woman in this broad land of ours protests, and will protest, who has the least idea of what is going on. It can be ended and the imposition and nuisance abated by passing this bill, which lays out the only path that reaches to it over which we can travel.

At this point of so killing off the seals on the islands as to put the Canadian hunter out of business, I desire to call your attention to a very important reservation that travels with the execution of the act as ordered. I refer to the fact that at least ten to fifteen thousand breeding seals will be left alive on the rookeries; their retention will not be of the least use to the pelagic hunter—so small a number signifies nothing for him, when searching for them in the high sea, and out of business he must go; he will not even think of sailing out and up into Bering Sea next summer if we pass this bill at once.

What does the existence of ten or fifteen thousand breeding fur seals signify to us? It means that in ten years time they will have so increased as to be tenfold as numerous as they are to-day, and in fifteen years a half million of them. Therefore, gentlemen, you will easily comprehend the fact that the passage and enforcement of the provisions of the pending bill not only puts the infamous work of the pelagic hunter down—entirely down—but it in no way orders, or even suggests, the extermination of the herd; it gives the unhappy animals a merciful rest and eliminates cruelty and indecency.

To continue this self-confessed imposition on the seal islands of Alaska is to fly into the face of good reason, to outrage the best impulse of humanity, and to please no instincts of our own save those of greed, cruelty, and indecency.

In view of these facts you will observe, Mr. Speaker, that the business on the islands has reached the dregs—that while the pelagic hunter has a relatively long rope yet left, we have reached the end of ours. The following exhibit eloquently describes the result of last season's catch on the islands:

EXHIBIT G.

Analysis of the island or "Alaska" catch of male fur seals, taken on the Pribilof Islands, season of 1901; sold in London, December 17, 1901; classification made by sale catalogue of C. M. Lampson & Co.

Sizes.	All males.	Average weight per skin.	Price per skin.	
			1901.	1900.
		Pounds.		
4-year-olds	244	10 to 11	$40.50	$38.25
3-year-olds	1,582	7 to 8	38.75	37.50
2-year-olds	3,922	5½ to 6½	33.50	31.25
1-year-olds	16,079	4 to 5	22.25	24.00
Total	21,827			

With 449 skins, which can not be included in the above classification, since they are entered as "faulty," "cut," etc., and sold way down. The skins are larded with a half pound of blubber to a pound each when cured in the salt. The 4-year-old skins will often have 2 pounds of blubber adherent

This showing as above cited is the official record of the sale, and it declares to us the significant fact that about only 1,826 prime skins could be found on the Pribilof Islands during the season of 1901, in spite of the extension of the driving into the 15th of August, or the opening of the "stagy" season. It also shows that the dregs of the young male life are being drawn upon, and will continue to be, with the high prices prevailing, owing to the self-evident scarcity of supply.

For a better understanding of the rapid decline in the numbers of the male life of the Pribilof herd the following analysis of the island or "Alaska" catch of male fur seals taken on the Pribilof Islands, season of 1897, is given for comparison with the foregoing analysis of the catch for 1901:

Sizes.	All males.	Average weight per skin.	Average price per skin, 1897.
		Pounds.	
4-year-olds	1,997	10 to 11	$22.00
3-year-olds	5,329	7 to 8	19.00
2-year-olds	13,000	5½ to 6½	14.00
Total	20,326		

Of which about 1,000 came over from 1896, "food" skins.

Note the fact that in 1897 there were nearly eight times as many 4-year-olds as in 1901; there were four times as many 3-year-olds, and a little over thrice as many 2-year-olds, and that no 1-year-olds or "eye-plaster" skins were taken. The price was too low; hence they escaped. But the price climbed up in 1900, so that by 1901 every 1-year-old was secured if hauled out, or four-fifths of the entire catch of 1901 is made up of these little seals.

In 1897 they only took the "long" 2-year-olds or the best grown ones. They did not take all that hauled out because the price did not warrant them in so doing.

This analysis of 1897 gives a graphic contrast with that of 1901 and eloquently declares the rapidity with which the young male life is being eliminated on the islands.

Now, take the Canadian hunters' catch; observe the following:

EXHIBIT H.

Analysis of the pelagic catch of fur seal for the season of 1901, taken from the sale catalogue of C. M. Lampson & Co., as sold in London, December 17, 1901. Out of the 25,000 skins taken last year only 13,611 were offered at this sale. This catch is taken entirely from the Pribilof herd by Canadian hunters, and is known to buyers as "northwest coast" skins.

Male and female skins.	Average price per skin.	
	1901.	1900.
76 skins of "wigs" (adult males)	$17.67	$11.26
98 skins of "4-year-olds," 10 to 11 pound skins	17.67	19.12
This grade is composed of males.		
1,468 skins of "3-year-olds," 8½ to 9 pound skins	16.85	19.12
This is nearly 80 per cent male grade.		
2,451 skins of "short 3-year-olds," 6½ to 7½ pound skins	18.62	19.58
This grade is nearly 90 per cent female skins.		
2,730 skins of "long 2-year-olds," 5½ to 6 pound skins	19.00	20.04
This grade is nearly 90 per cent female skins.		
2,670 skins of "short 2-year-olds," 5 to 5½ pound skins	17.50	18.35
This grade is nearly 90 per cent female skins.		
2,531 skins of "long yearlings," 4 to 5 pound skins	13.75	14.50
This grade is about 50 per cent female skins.		
1,159 skins of "yearlings," 3½ to 4 pound skins	10.40	10.85
This grade is about 50 per cent female skins.		
296 skins of "short yearlings," 3 pound skins	7.25	10.25

Total of 13,107 skins, leaving a balance of 500 skins which I can not classify, since they are entered as "faulty," "cut," etc.

This sale shows that about 4,000 skins out of the 13,611 offered are male skins; the balance females. (See Exhibit III, appended.)

In this statement of catch and prices realized it is at once clearly established that the Canadian hunter is making a great profit out of his infamous business; that the "agreement" which Jordan made with the Canadians is utterly silly in its conclusion that pelagic sealing had ceased in 1897 to render any profit to its promoters. Those profits have increased 100 per cent.

These hunters have made an enormous profit during the last two seasons, and everything points to a steady continuance of it until they exterminate the species, if we are willing to hold the bag for them—to stupidly pay for the piper while they dance.

Let us look at the cost of settling up this cruel, barbarous, and indecent business for the gain of a few Canadian butchers while they exterminate the life for us. The trouble fairly began in 1890, and the following exhibit will show what an imposition it has been, and is to-day, upon the public Treasury:

EXHIBIT J.

Showing the cost of the futile Navy and Revenue Marine seal patrol of Bering Sea and the North Pacific Ocean.

The following extract is taken from the official report of Commander Clark (now Captain Clark, of the *Oregon*, and so well known to us since the Santiago naval fight), which was made by him at the close of his season's work of directing the patrol in Bering Sea, 1894, and after he had personally observed the operations of the pelagic sealing fleet during the entire period of their hunting outside of the "60-mile zone." The shame and the cruelty of the whole business so deeply impressed him that he makes the following statement:

NAVY-YARD, MARE ISLAND, CAL., *October 27, 1894.*

SIR: In compliance with the Department's instructions dated September 25, 1894, * * * I have the honor to submit the following report, upon the movements of the seal herd in its progress toward Bering Sea, and upon seal life in general. * * *

It was, of course not foreseen when the award was signed by the tribunal of arbitration that a slaughter so destructive to the life of the herd could be carried on under its provisions, or that one of its results would be of so cruel a nature that anything approaching a parallel to it would not be tolerated in a stock-raising community. It is proper to remark here that a starving seal pup will live nearly six weeks. While sealing was only permitted outside of Bering Sea, the catch may have been as great, or even greater, but it was more equally divided between the sexes, and if a pup was lost when a female was killed, then it had not yet been born. If the pelagic sealer is to secure all the profits to be made during the few years that he requires to exterminate the herd, it would seem to be more in the interests of humanity, as well as sound policy, to anticipate his action. * * *

C. E. CLARK,
Commander, United States Navy.

(Sen. Ex. Doc. 67, 53d Cong., 3d sess., p. 431, No. 251.)

The idle and farcical patrol of Bering Sea and the North Pacific Ocean since 1891 down to date by vessels of the United States has cost the public Treasury an enormous sum—money and time of public servants utterly thrown away in burlesque effort. The following statement of that cruising taken from the official reports of the Secretary of the Treasury lights up the truth of the foregoing statement beyond successful contradiction.

For the enforcement of the patrol ordered by the modus vivendi of 1891–1893 and the regulations of the Bering Sea Tribunal put into effect first in May, 1894, and continued to date, the following vessels have been engaged, number and character, per annum, as given below:

1891, 3 United States ships of war, 3 revenue-marine cutters; 1892, 4 United States ships of war, 3 revenue-marine cutters; 1893, 4 United States ships of war, 3 revenue-marine cutters; 1894, 4 United States ships of war, 3 revenue-marine cutters; 1895, 5 revenue-marine cutters; 1896, 6 revenue-marine cutters; 1897, 4 revenue-marine cutters; 1898, no mention of it; 1899, 5 revenue-marine cutters; 1900, 5 revenue-marine cutters; 1901, 5 revenue-marine cutters.

The cost of the cruising in 1891, 1892, 1893, and 1894, when the United States naval fleet combined with the Revenue-Marine cutters, was annually between $450,000 to $494,000. The protest of the naval officers against this useless and idle patrol on their part with ships of war caused the Government to drop that feature and put the entire patrol into the Revenue-Marine. The cost of maintaining a Revenue-Marine cutter for this Alaskan cruising averages $40,000 per year for coal, wages, supplies, and repairs. (See statement of Secretary Carlisle, following.)

Taking these five Revenue-Marine cutters from the ports and districts where they were assigned on the Atlantic and Pacific into this Alaskan district, 1890–1894, has given the good excuse and real need for the building and equipment of six new cutters since then to fill their places.

Therefore it will be at once clearly observed that the annual cost of this patrol of Bering Sea to the public Treasury has never been less than $200,000 to $240,000 since 1895, unless for 1898, when the Spanish war may have drawn most of the Revenue-Marine cutters out of the field, for it is not specified in the Secretary of the Treasury's report to Congress for that year.

The following extract is made from the statement of the Secretary of the Treasury, January 22, 1897, to the President of the United States Senate in answer to an inquiry by that body as to the cost of policing Bering Sea, and other matters. (Fifty-fourth Congress, second session, Doc. No. 81, p. 5.)

"As to the cost of policing Bering Sea and the North Pacific each year since 1890, I have to state that the honorable the Secretary of the Navy upon request has informed this Department that the cost of maintaining vessels of the United States Navy in these waters since 1890, including pay and rations of officers and crews and repairs to the vessels during and immediately following the performance of said patrol duty, was as follows:

1890	No patrol by Navy.
1891	$133,281.64
1892	233,231.31
1893	183,067.74
1894	452,768.18
1895	No patrol by Navy.

The expense incurred by revenue cutters in patrolling Bering Sea from 1890 to 1895, inclusive, including pay and rations of officers and men, is as follows:

1890	$36,846.66
1891	51,650.70
1892	66,672.57
1893	47,385.79
1894	53,439.63
1895	148,677.74

From these figures it would seem that the total cost of policing these waters during the period in question is $1,410,721.96.

The amounts which have been expended by the Government for the support of the native inhabitants of the seal islands of Alaska follow:

1893	$11,337.32
1894	18,319.44
1895	25,563.21

While not requested by the resolution, I append a statement of the amounts expended for salaries and traveling expenses of agents to the seal fisheries of Alaska each year since the date of the first appropriation for that purpose:

1876	$2,752.68	1886	$7,937.49
1877	8,080.49	1887	16,174.13
1878	10,892.50	1888	10,184.52
1879	16,381.78	1889	13,027.10
1880	9,571.62	1890	10,747.71
1881	4,248.09	1891	15,396.83
1882	15,203.06	1892	16,071.33
1883	11,090.32	1893	11,168.27
1884	13,811.64	1894	10,953.09
1885	13,102.61	1895	10,308.38

Total cost—	
Policing waters	$1,410,721.96
Support of natives	55,219.97
Salaries and expenses of agents	227,163.04
Total	1,693,104.97

Respectfully, yours,

J. G. CARLISLE, *Secretary*

Then, if the cost of the Paris junket, 1893, is added, $224,514, and the damage award paid by us to the sealers (1875–76), $473,000, we have Carlisle's total swelled to $2,390,619.97; then add cost of patrol, 1896 to date, $1,450,000, giving a total of $3,840,619.97. Revenue from sealskin tax and rental, 1890–1901, inclusive, $2,110,000; net loss to public Treasury to date, $1,730,619.97.

It is not right, Mr. Speaker, to omit mention of the abortive and silly work which Dr. Jordan and his associates undertook on the seal islands in 1896–97. I refer to the tomfoolery known

and extensively advertised at the time as the "successful" branding of fur seals, whereby the Canadian hunter was sure to be put out of business and the whole question settled by his suppression in that manner!

EXHIBIT K.

THE IMPOTENT WORK OF BRANDING FUR SEALS.

The idle idea of branding female fur seals, so as to destroy the value of their skins and thereby drive the pelagic sealer out of business, was actually attempted and put into practice on the Pribilof Islands in 1896, first by Jordan and his associates in a small way, and then worked by him up there in 1897 to the best of the ability of himself and his associates. This abortive, silly work was indorsed by Secretary Gage in his report for that year to Congress, and commended as a practicable solution of this sealing question, if the Canadians did not yield!

To the utter uselessness and cruelty of this scheme the attention of the Ways and Means Committee was called during Mr. Elliott's hearing February 18, 1896. But it seems that in spite of the protest which he made, this nonsense has actually had its day on the seal islands; but the futility and the cruelty of the job became too rank for its continuation, even by its authors, and it has been practically abandoned since 1898.

Little did the pelagic sealer care for the branding work, which was to ruin the value of his catch, since the trade reports show that he immediately increased his business when Jordan began his, and added immensely to his profits. When the small pups' skins were so "successfully" branded on the islands in 1897 the pelagic sealer received only $6 per pelt for his catch that year; to-day, after five years of this "successful operation" in "destroying the value of the skins," as Secretary Gage has officially described it, the pelagic sealer points with pride and infinite sarcasm to the fact that he gets $16 per pelt, or nearly three times as much as he did when the branding was not done.

THE OFFICIAL RECORD OF BRANDING SEALS SENT TO CONGRESS BY THE SECRETARY OF THE TREASURY, LYMAN J. GAGE, 1897–1901.

[Secretary of Treasury, Report of (p. 29), 1897, Secretary Gage.]

"Renewed experiments were made also in the branding of female pup seals, several thousands being successfully branded in such a manner as to totally destroy the skins from a commercial standpoint, while in no wise injuring the health or vitality of the animal." (One hundred and eighteen cows branded on St. Paul by Associate Joseph Murray; 5,371 pups branded on St. Paul by Associate Joseph Murray; 1,800 pups branded on St. George by Treasury Agent Judd, and so reported. Total, 7,289 seals for 1897. To Dr. Jordan by Murray: "Great success," etc.)

Four revenue marine cutters on patrol this season.

Secretary of Treasury, report of (p. 34), 1898 (Secretary Gage):

Not a word about branding seals.

Not a word about the revenue-marine patrol.

Secretary of Treasury, report of (p. 31), 1899 (Secretary Gage):

Not a word about branding seals.

Five revenue-marine cutters on patrol this season.

Secretary of Treasury, report of (p. 31), 1900 (Secretary Gage):

Not a word about branding seals.

Five revenue-marine cutters on patrol this season.

Secretary of Treasury, report of (p. 39), 1901 (Secretary Gage):

"About 2,000 female fur-seal pups branded this season," etc.

Five revenue cutters on patrol this season.

In this connection the House will observe from the foregoing citations that the Secretary of the Treasury in his reports omits all mention of the "successful" branding of seal pups after 1897 until 1901, an interregnum of four years. Why does he refer to the botch job now? Nothing has been done on the islands as to that work to speak of until last season. Why is the folly again taken up?

Just think a moment of this cruel incident to any and all branding of seal pups. When those "2,000 female fur-seal pups" which the Secretary refers to as branded last season were driven up for that object, no living man could tell what proportion of their number were then or were soon to be deprived of their mothers, either at that moment or later in the season, by the pelagic hunters. Every one of those motherless seals died last fall of starvation on the islands. How many of these 2,000 freshly branded pups were thus deprived of support and then starved to death? We can not tell exactly; but a large number of them met that fate, and they each had the extra torture of burned backs to endure while so perishing, and all this to no earthly purpose whatever in so far as destroying the work of the pelagic hunter or the value of his catch, as the foregoing exhibits of the increased value of his skins since this work was undertaken attest.

The progress of this job of branding fur seals, since it was first put into practice on St. Pauls Island by Dr. Jordan, finally reached the ludicrous climax which is shown in the following carefully prepared statement given to the newspapers by Jordan himself, August 27, 1897, or within a week or so after he had left the islands, first in the New York Tribune of that date and repeated later, as follows:

"In conversation with a reporter recently Professor Jordan said:

"'I find that few people seem to realize how much the scheme of branding female seals is helping us to kill off the Canadian poachers. They must have found this year among the skins they took hundreds that were absolutely worthless to them by reason of the branding marks on the fur.

"This system of branding consists in placing a mark on the back of the animal with a hot iron, so that wherever the iron touches the fine fur is destroyed, making the skin so operated on entirely worthless for commercial purposes. Up to the present season it has been our custom to perform this branding operation with a red-hot bar, but we found that needless pain was being inflicted on the animals by this process, so we have made a change in the method. E. E. Farmer, of Stanford University, has invented a platinum wire pencil which draws its power from an electric dynamo. This pencil maintains a white heat and can be used with the greatest freedom, any sort of a mark being rapidly and easily made. Its great merit is that it inflicts no pain whatever on the animal." (Milwaukee Journal, Oct. 16, 1897, taken from a long syndicated article headed "Triumph of American diplomacy.")

Instead of "killing off the Canadian poachers" by this work, these gentry have simply increased their catch and their profits ever since Jordan fairly began the branding job. And still more, six weeks after this interview above quoted was given to the public, down came a statement of the utter failure of that costly electric-branding pencil and plant when put into actual work on the island which Jordan had just departed from. The Farmer job put up by Jordan was a complete failure, and has not been even suggested as worthy of a second trial by Jordan himself.

The Canadian and British agents upon the islands with Jordan at this time may have cunningly inspired Jordan with this folly of action and belief in branding. If they did not, who did? In their reports Thompson and Macoun do not make the slightest reference to it.

Having shown us how "the scheme of branding seals is helping us to kill off the Canadian poachers," Jordan does not want to absorb all the credit for this folly. He insists that—

"The branding idea originated in the mind of Joseph Murray, now chief Government agent of the rookeries. He was formerly a prominent cattleman in Colorado, and it was his experience with herds that gave him the idea of putting distinguishing marks on the seals." (Milwaukee Journal, October 16, 1897.)

This branding idea did not originate in the mind of Joseph Murray: It originated, in so far as any published record goes, by the statement of M. L. Washburn, who, as an employee of the Alaska Commercial Company, testified before the Committee on Merchant Marine and Fisheries, House of Representatives, in the autumn of 1888, at Washington. (Fiftieth Congress, second session, Report No. 3883.) He did not go to the absurd length of the scheme that Jordan traveled, by any means. He made the suggestion that the seals might be branded with a mark which would make them Government property, positively and easily identified, no matter where taken or how far they had strayed away from the islands in the high seas.

There was, then, an excuse for Washburn's suggestion, since at that time some (though not many) of our good lawyers claimed that we had a property right in these seals, that they strayed away from the islands to feed, just as cattle did from a corral on the plains, and a "U. S." brand mark would be sufficient identification and proof of ownership.

But this claim was denied to us at Paris, 1893. Jordan, in 1896-97, had no such excuse; he put an idle conceit into futile practice.

Mr. Speaker, I come now to the real object and aim of my bill. It is to put the pelagic sealer out of business, and to save at the same time the fur-seal species. The history of the Russian ownership and management of the Pribilof seal herd throws the following clear, full light on what seems to have been completely hidden from or else willfully ignored for trade interests by Dr. Jordan and his associates:

EXHIBIT L.

THE RUSSIAN PERIOD OF GREAT DIMINUTION OF THE PRIBILOF FUR-SEAL HERD 1834–1844.

I bring this period in to show that the present loss of life on the fur-seal rookeries of the seal islands of Alaska is not the first experience of the kind which has been recorded by white men, or, rather, since this life came into the supervision and control of white men, in 1786–87; prior to that date these breeding grounds had been undiscovered by either savage or civilized men.

The Russian records show that from 1817 down to 1834 the supply of choice young male seals was constantly growing less and less as each year followed the other; they show that no such method of killing these seals at sea, now so well known to us as "pelagic sealing," was known to white men or practiced by them, or by the Alaskan natives, during the entire period of Russian ownership and control, ending in 1867; they show that this remarkable shrinkage of the herd from 1817 down to 1834 was due entirely to overdriving and culling of young male seals; they show that fourteen years before the utter collapse of the herd took place this result of ruin was announced by an official investigator, who urged, in 1820, that steps be taken then to avert the disaster, and they show that in spite of this clear note of warning and remonstrance the greed and the avarice of a Russian board of directors overruled Yanovsky's appeal; then they show that the end was reached in 1834, just as he had predicted under date of February 25, 1820, saying:

* * * "that every year the young bachelor seals are killed, and that only the cows, 'seecatchie' and 'polseecatchie' are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors are left alive in the autumn they are sure to be killed next spring. The consequence is that the number of seals obtained diminishes every year, and it is certain that the species will, in time, become extinct." * * *

Then he asks that the killing be stopped altogether in 1821; and then, when resumed in 1822, that only 40,000 be killed, etc., etc. (Proc. Tribunal of Arbitration Bering Sea, Vol. 8, pp. 323-325, No. 6, 1893.)

To this warning and remonstrance against overdriving and killing young male seals on the Pribilof Islands in 1820 the Russian board of directors from St. Petersburg, under date of March 15, 1821, made the following reply and denial: "That although they concur in Mr. Yanorsky's view they have decided not to adopt the measures proposed by him," etc.

What was the result?

The entire disappearance of the killable young male life on the islands in 1834. Then came the long rest of ten years on these rookeries before killing to any noteworthy extent of young males was or could be resumed.

In 1834 the Russian records show that just 100 "halluschickie" were taken—all that could be secured on St. Paul Island "safely"—"leaving in 1835 for breeding, 8,118 fresh young seals, males and females together." (Veniaminov: Zapieskie, etc., Vol. II, p. 568 et seq., 1842.)

Here is the authentic record made by an unusually intelligent and personally well-informed man, written in 1837, that less than 9,000 seals that were "fresh and young" were left alive on St. Paul Island in 1835—reduced to this feeble remnant entirely by excessive killing on the island of young male seals; yet we have had two commissions of our "experts" and scientists visit those rookeries, in 1891 and in 1896-97, only to return and stupidly deny this record, and charge every harm to that herd upon the pelagic sealer and his work since 1886.

Bishop Veniaminov's count of 8,118 seals left on the St. Paul grounds in 1835 was an authentic one, made by the "Bidarshik" Kazean Shaieshnikov, who was the head man and in charge of the island; he also was the man who entertained Yanovsky, in 1819, during the whole of that season, while his investigation was being made then, and which resulted in Yanovsky's warning report, which is quoted above.

This unquestioned record of the Russians is of the greatest interest to us at this hour, because it shows the recuperative powers of the fur-seal herd. Here in 1835 we have but 8,118 young seals left out of millions that existed on the same ground in 1790-1800. In 1857 the Russian records declare that this remnant of 1835 had so multiplied that it overflowed on the breeding grounds

way up to and even beyond the utmost limit it had ever occupied in the days of its finest form and number when first discovered by man; and that no further concern as to the number taken annually need bother the board of directors.

The gentlemen of this committee will, in the light of that record, easily understand how safe it is for us to put the pelagic sealer out of business by killing off these 100,000 female seals now existing down to a residuum of 10,000 or 15,000, and then still have in reserve sufficient power to restore the herd, ample in every respect.

The Russian record of diminution to the point of complete collapse begins in 1817, and is given to us by Bishop Veniaminov, who himself spent the season of 1825 on the islands, and who had free access to all the records of the Russian-American Company. He closed this record in 1837 and its continuation, quoted below, is taken from the record made by Kazean Shaiesnikov, who lived on St. Paul Island during the time covered by it.

Russian record of diminution, 1817–1834.

[Table I, part 2.—Veniaminov's Zapieska, etc., St. Petersburg, 1842.]

Year.	Seals taken from—		Total.
	St. Paul Island.	St. George Island.	
1817	47,860	12,328	60,188
1818	45,932	13,924	59,856
1819	40,300	11,925	52,225
1820	39,700	10,520	50,220
1821	35,750	9,245	44,995
1822	28,150	8,319	36,469
1823	24,100	5,773	29,873
1824	19,850	5,550	25,400
1825	24,600	5,500	30,100
1826	23,250		23,250
1827	17,750	1,950	19,700
1828	18,450	4,778	23,228
1829	17,150	3,661	20,811
1830	15,200	2,834	18,034
1831	12,950	3,084	16,034
1832	13,150	3,296	16,446
1833	13,200	3,212	16,412
1834	12,700	3,051	15,751
1835	4,052	2,528	6,580
1836	4,040	2,550	6,590
1837	4,220	2,582	6,802
Total	464,259	114,665	578,924

In 1874, when Mr. Elliott was investigating this particular subject on the Pribilof Islands, he called a meeting of the natives at St. Pauls village (August) and asked them to give him their best recollection of this sudden drop in the number of seals taken on their island in 1835. After long and patient interchange of opinion among themselves, they gave him the following statement of the actual number of old breeding seals left alive on the St. Paul rookeries at the close of the season's killing in 1834 and during the season of 1835. He asked them this question because Bishop Veniaminor says (quoted above) that in 1835 only "8,118 fresh, young seals, males and females together," were left on St. Pauls Island for breeding. If that were so, how could 4,052 of them be taken in 1835 and then have 4,220 taken in 1836 without completely ending the business?

The St. Paul natives agreed upon the following census for 1835:

	Cows.
Lagoon rookery had 2 bulls	2,000
Zapadine rookery had	1,000
Novastoshnah rookery had	1,500
Polavina rookery had	500
Lukannon Ketavie rookery had 10 bulls	300
Reef and Garbotch rookery had 10 bulls and 20 bulls	1,800
Nahspeel rookery had	100
Total of	7,200

[This census of the natives he has recorded in his report on the "Condition of affairs in Alaska," 1874, p. 119.]

Now, this total of 7,200 old breeding seals as given by these natives agrees pretty well with the bishop's sum of 8,118 "fresh young seals" but it still puzzled Elliott to understand how they could take, or would dare to take, more than half of the entire number in 1835, and then follow it up with a practical extirpation of the life in 1836, according to the figures of the bishop's table.

But in 1890 he stumbled upon the following record, which explains the question completely and satisfactorily. The natives were right, and so was the bishop:

List of the killing for furs and other purposes since the Zapooska of 1835.

[An autographic list made by the "Deacon" and "Bidarshik" Kazean Shaiesnikov, who was the headman on St. Pauls Island during the entire period covered, and it was put in Elliott's hands July 2, 1890, by his son, Father Paul Shaiesnikov.]

Year.	"Hollus-chickie" (or killable male seals).	"Sairie kotic-kov" (or "gray pups" about 5 months old).
1835	100	3,952
1836	1,200	2,840
1837	2,000	2,020
1838	2,500	1,380
1839	5,000	.230
1840	5,350	.650
1841	7,100	.900
1842	8,800	1.200
1843	10,050	1.294
1844	10,150	2.632
1845	9,550	3.428
1846	12,000	3.503
1847	13,300	3.708
1848	13,600	3.370
1849	10,000	3.350
1850	5,530	.538
1851	10,295	.935
1852	9,380	1.250
1853	13,906	1.700
1854	33,861	1.400

With this "list" in Elliott's hand, at once the table of Veniaminov, quoted above, becomes intelligible. Without it it is impossible to reconcile his statement that all killing was stopped in 1835, on the one hand, with his table showing 4,052 killed, on the other; but now we see that the Bishop's total for that year on St. Paul was only "100" skins of "bachelor" or killable seals and "3,952" skins of pups or "gray pups" (5 months old). So, in fact, the killing for market was literally stopped. The pups were taken by the natives for food and clothing; but it will be observed that just as soon as the herd began to increase again the killing of pups was discontinued, and the food supply requisite taken from the "bachelor" carcasses.

When regarding this point in 1874, and trying to discover the real cause of this complete collapse of the herd, Elliott was led to a false conclusion by a misunderstanding of what the natives said and Veniaminov's record affirmed, as to the taking of female seals for their skins in those early days of decline. He understood them then to mean that in taking female seals, as they did, that the driving was made from the rookery grounds as well as from the hauling grounds, and not changed to males alone until 1845. On this false understanding he based his conclusion that the seals were either harassed away from their breeding grounds, or were decimated by a plague or epidemic to such an extent that nothing remained but a remnant in 1834, and he so stated it then. (P. 120, Condition of Affairs in Alaska, 1874.)

But his investigations on the ground in 1890 led him to the truth as declared by the Russian agent, Yanovsky, in 1820, and Veniaminov's record of 1817-1837 then became perfectly consistent and intelligible to him and to us.

The Russian driving never, after the work of 1805–1808, entered the rookery grounds or breeding areas; but as these drives were kept up all through the season, from June 1 to the end of November annually, a certain number of cows were swept into the driven bands, since many of these females (after the breeding season had ended, by August 1) scattered out from the rookeries over the hauling grounds, where the drivers secured their daily quotas.

Once incorporated in the drive, the female was killed along with the male, as it was the rule of the Russians to take everything that they brought up to the killing grounds, except the very old or very young seals, regardless of sex. They had use for all grades of skins, and were not hampered by a uniform tax, to be paid upon every skin taken, regardless of its size or quality, as our people have been.

Illustrative of this, in 1854, 43,000 skins were taken on St. Paul and St. George islands; of this number, 20,000 were 1 and 2 year old skins and were sent to New York; 15,000 were 2 and 3 year old skins and sent to St. Petersburg, and 6,000 were 3 and 4 and 5 year old skins, "big skins" or "medium bulls," and they were sent to the Chinese market; the balance of this catch was used in the "colony" (Alaska). The average female skin will grade in size and weight and quality with the best 2-year-old male; my understanding of the proportion of female skins taken in these Russian drives, as above described, makes it about 10 per cent of the whole season's catch; or, say, for instance, some 4,500 female seals were taken in the 43,000 catch of 1854, being swept into the drives which were all made on the "hauling grounds" during August-November of that year.

In taking this record of the bishop, and also that legend of the natives into consideration, I believe that since these early enumerations were made of only the grown seals, i. e., all above the pups, then it is right to assume that there were about 15,000 seals of that class on the rookeries, instead of 7,200; the absence of more than half to two-thirds of the mother seals at any one time during the height of the breeding season on these rookeries makes a count of the cows at any one time deceptive and far below the reality. Elliott saw the necessity, first of all men, of counting the pups as a safe basis of enumeration of the cows; this he did early in 1872, and proceeded on that line all through his work.

There is no reason to question the accuracy of Veniaminov's figures of 1834. The legendary count given by the natives in 1874 to Maynard and Elliott is not worthy of so much credit; and did it stand alone, we should not place much specific importance to it, except in a general way, as illustrating an era of great loss of life on the rookeries. But coming to Elliott as it did, and without knowledge or prompting of the Bishop's record, for it gives details which he does not publish, I regard it as a valuable addition to the truth of the Bishop's account.

The natives, in 1874, when giving Elliott this description and census of 1834-35, differed among themselves as to the cause. A majority of them charged it up to an extraordinary "frozen summer" by which the islands were surrounded by solid ice floes way into the middle of August, thus shutting out the mother seals from coming ashore to bear their young, etc.; several of the older natives, however, dissented. But Elliott noticed the fact that Veniaminov is silent about this "ice age" in 1834–35. He would not have been had such a condition prevailed, since he was then living and busily engaged in preparing this work of his, "Zapieska ob Oonalashkenskaho Otdayla."

He had direct annual letters from Shaiesnikov, who was in charge of St. Pauls Island, and who was the man who counted the seals (8,118) for him, and who remained in charge until his death in 1854. Shaiesnikov is eulogized by the bishop, and also highly commended for ability and faithfulness by the general manager at Sitka, in many letters and documents.

We have records of ice floes that have shut the islands up against the landing of vessels until the middle of July in one or two instances, and frequently until the 20th and 25th of June for St. Paul; but these floes were "hanging" or "drifting" raft floes, "anchored to the islands," with open water all around on every side, and pierced with "lanes" or reaches of open water, through which the seals could and did land as usual. A brisk gale from any point of the compass will quickly sweep the ice away. Without such a wind these floes "hang" or "anchor" around the islands until very late.

Veniaminov, with all the records of the work in his possession, and living at the time, says deliberately that this collapse of the fur-seal herd on the Pribilof Islands, culminating in 1834, was due entirely to "excessive" and "wicked killing" of the young male life ("Zapieska," etc., vol. 2, p. 568, St. Petersburg, 1842); and Yanovsky predicted it, in 1820, as certain to come unless the culling and killing of choice young males was stopped.

These tables of Russian diminution, contrasted with the figures of our own time and trouble, show plainly enough that history is repeating itself on the islands to-day; that the utter and total destruction of the male fur-seal life up there will be accomplished under existing law, regulations, and trade conditions by 1906 unless we pass the pending bill, for unless we stop our work on the islands we can not save the species; but it is silly and useless to stop our people unless at the same time we stop the pelagic hunters. The enactment of this bill will stop them at once. Nothing else can or will.

Mr. Speaker, in conclusion, let me draw the following picture from the life on the seal islands to-day:

The female seal, heavy with her unborn young, hauls out on the Pribilof breeding grounds early in July. In a day or two after landing she gives birth to her "pup," and after suckling it

for a day or two she leaves it, gorged with her milk, to sleep and rest on the rookery until she shall return.

She goes off for food—away to sea in the west or northwest, anywhere from 80 to 120 miles from the island to the favored fishing banks of her kind; while out there, either as she feeds or sleeps between meals, she is struck by the pelagic hunter's spear, and her quivering body thrown onto the deck of his vessel, where her skin is cut from the flesh, and her blood and mother's milk run down into the scuppers, commingled.

This is indecent enough in itself, but it is not the worst; that helpless "pup" which she left behind her on the island in a day or two begins to grow hungry and to thirst; it rouses itself to long, loud calls for its butchered mother; then subsides for short and fitful intervals of rest; day after day does this little creature repeat this wailing of hunger and thirst—week after week, until it finally sinks into death.

Multiply this example of tortured life twenty thousand times; then you will get a faint idea of what this abominable shamble on the seal islands of Alaska is and was during every September and October since 1893.

How long, Mr. Speaker, would you permit such a cruel and indecent exhibition as this to go on, year after year, in your district? How long would you permit this shame and brutality to be prolonged, if, after fifteen consecutive years of failure on the part of your bungling agents and inexperienced joint commissions, the same official wrecks were to ask you now, to-day, to keep the wretched business open so that they might continue to play with its misery?

Let us make a merciful ending to this infamous business of the pelagic hunter. The shortest and the happiest ending will follow the passage of this bill; it is the only step left for us to take in the premises which will surely preserve the Alaskan fur-seal species from that cruel and indecent extermination which is right at hand if it is not enacted.

Mr. TAWNEY. Does the gentleman from New York expect to use the balance of his time?

Mr. McCLELLAN. I do not.

Mr. TAWNEY. Mr. Speaker, in reply to the suggestion of the gentleman from New York, that the President now has power to enter into negotiations as contemplated by this bill, I respectfully submit that such is not the fact. The findings of the Jordan-Thompson commission some years ago have been construed by the representatives of the Canadian government and by others as tying the hands of the State Department, and that this is so for two reasons: One is that there is no money appropriated for the purpose of conducting negotiations for any modification of the existing regulations; second, because of the alleged findings of fact by the Jordan-Thompson commission. Now, to show you how this Jordan-Thompson agreement is interpreted by the Canadians, I will read from an interview published in Toronto, November 27, 1897, giving what Sir Louis Davies said:

Sir Louis H. Davies, at a meeting of Liberals here last night, referred to his recent visit to Washington to attend the seal conference. He said: "The seal experts settled the question of fact in such a way that hereafter it can not be opened up. We know exactly where we are. * * * They were told (the Americans) that the right to catch seals, being a national right, vindicated by the great Paris tribunal as a legitimate industry on the part of British subjects, could not be disposed of for a mere money consideration, and that Canada did not sell national rights for money."

So that it is absolutely impossible for the executive branch of the Government to open negotiations, and it is so interpreted, not only here, but also in Canada and Great Britain.

Section 5 is objected to by the gentleman from New York [Mr. McCLELLAN], but only because under certain conditions it vests in the executive branch of the Government absolute authority to take the seal life on the Pribilof Islands, except 10,000 females and 1,000 males. Now, I submit, Mr. Speaker, that if these negotiations are not reopened, that if the present regulations for the protection and preservation of the herd are not so amended as to prevent the butchery carried on by the pelagic sealer, that herd will be absolutely extinct in a very few years, especially at the rate at which it is being depleted now. And then what have you done? You have destroyed the herd, and how? You have destroyed it by starving thousands and tens of thousands of seal pups on the Pribilof Islands whose mothers have been butchered in the open sea when out upon the feeding grounds to regain sustenance for the young she has left behind.

Now, if this herd is to be butchered in that cruel and inhuman manner, if it is to be exterminated, let us do it, then, in a decent manner, and not by means of starvation. But I do not anticipate that it will ever be necessary to exercise this discretionary authority. I believe that with that provision in this bill the State Department, or the Executive through the State Department, will be able to open or reopen this subject and secure such a modification as will prevent the present inhuman practices of the pelagic hunter. The 60-mile zone within which no seal can be killed either by American citizen or British subject is not closed to Japan or to Russia, and will not be closed until the pelagic hunters of Great Britian or Canada cease their inhuman work. That being so, and at the rate these vessels are now fitting out in Yokahoma, it will be, I say, a very short time when the pelagic sealer will have entirely destroyed this seal life, and the Government of the United States will be deprived of enjoying the benefit of its own property; for I believe, notwithstanding the findings of the Bering Sea tribunal, these fur seal are the property of the United States, whether they are on land or sea. I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill with amendments.

The question was taken, and the Speaker announced that he was in doubt.

The House divided, and there were—ayes, 72; noes, 23.

Mr. McCLELLAN. I ask for the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Fifteen gentlemen have arisen—not a sufficient number; the yeas and nays are denied; and, two-thirds having voted in favor thereof, the rules are suspended and the bill is passed.

BRIDGE ACROSS CHOCTAWHATCHEE RIVER, IN GENEVA COUNTY, ALA.

Mr. CLAYTON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16881) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River, in Geneva County, Ala.

The SPEAKER. The gentleman from Alabama moves that the rules be suspended and pass the bill which the Clerk will report.

The bill was read at length.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and, in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

RESERVATION AND SALE OF TOWN SITES ON THE PUBLIC LANDS.

Mr. EDDY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6278).

The bill was read, as follows:

A bill (S. 6278) to extend the provisions of chapter 8, title 32, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," to the ceded Indian lands in the State of Minnesota.

Be it enacted, etc., That chapter 8, title 32, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," be, and is hereby, extended to and declared to be applicable to ceded Indian lands within the State of Minnesota. This act shall take effect and be in force from and after its passage.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

The SPEAKER. A second is demanded.

Mr. EDDY. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The Chair recognizes the gentleman from Minnesota and the gentleman from Tennessee.

Mr. EDDY. Mr. Speaker, I ask for the reading of the report in my time.

The SPEAKER. The report will be read in the gentleman's time.

The report (by Mr. EDDY) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (S. 6278) to extend the provisions of chapter 8, title 32, of the Revised Statutes, entitled "Reservations and sale of town sites on public lands," to ceded Indian lands in the State of Minnesota, have had the same under consideration and report the bill with the recommendation that the same do pass.

Under the Nelson law (act of January 14, 1889, 25 Stat. L., 24) as amended by the Morris law (act of June 27, 1902) there is only one way by which the ceded lands on the Chippewa Indian reservations in Minnesota can be disposed of, and that is under the homestead law. The general town-site law (chap. 8, Title XXXII, R. S.) does not apply to these lands. The homesteader can not sell any of his land until he has proved up his homestead claim, and he can not prove up, under any circumstances, in less than fourteen months, by commuting his entry, and without commuting it takes five years; and it generally takes from six months to two years after final proof is made before the same can be approved by the General Land Office and patent issue.

This bill extends the provisions of the general town-site law to these reservations. Under the provisions of this law the land desired to be used for town a site is platted into lots under the supervision and direction of the Interior Department and sold at public auction at not less than $10 per lot.

Under the original agreement with the Indians, as embraced in the Nelson law, the Indians are entitled to all the proceeds of the sale of the land and timber on these reservations.

This bill will not only be of great benefit to the people who want to start towns and engage in business on said ceded lands by enabling them to immediately get title from the Government of the United States to the lots upon which they desire to make improvements, but it will also be of great benefit to the Indians, as they will realize more from the land if it is platted into town lots and sold at public auction under the provisions of the general town-site law than they will get under the homestead law, viz, $1.25 per acre.

It is urgently necessary for the development of these ceded reservations

that this bill be passed, so that people who desire to start towns and engage in business along the railroads that are built or are under construction through these lands can get a good and valid title to town lots without waiting from two to six years for the homesteader to get title under the homestead law. The general town-site law provides for an equitable disposition of such portions of the public domain as are suitable for town sites, and in the opinion of your committee this bill should pass.

The salient points of the general town-site law are as follows:

"1. Parties having founded or who desire to found a city or town on the public lands, under the provisions of sections 2382, 2383, 2384, 2385, and 2386, must file with the recorder of the county in which the land is situate a plat thereof, describing the exterior boundaries of the land according to the lines of public surveys, where such surveys have been made.

"2. Such plat must state the name of the city or town, exhibit the streets, squares, blocks, lots, and alleys, and specify the size of the same, with measurements and area of each municipal subdivision, the lots in which shall not exceed 4,200 square feet, with a statement of the extent and general character of the improvements.

"3. The plat and statement must be verified by the oath of the party acting for and in behalf of the occupants and inhabitants of the town or city.

"4. Within one month after filing the plat with the recorder of the county a verified copy of said plat and statement must be sent to the General Land Office, accompanied by the testimony of two witnesses that such town or city has been established in good faith.

"5. Where the city or town is within the limits of an organized land district a similar map and statement must be filed with the register and receiver. The exterior boundary lines of the town, if upon the land over which Government surveys have not been extended, may, when such surveys are so extended, be adjusted according to those lines, where it can be done without impairing vested rights.

"6. In case the parties interested shall fail or refuse, within twelve months after founding a city or town, to file in the General Land Office a transcript map, with the statement and testimony called for by section 2382, the Secretary of the Interior may cause a survey and plat to be made of said city or town, and thereafter the lots will be sold at an increase of 50 per cent on the minimum price of $10 per lot.

"7. When lots vary in size from the limitation fixed in section 2382 (4,200 square feet), and the lots, buildings, and improvements cover an area greater than 640 acres, such variance as to size of lots or excess in area will prove no bar to entry, but the price of the lots may be increased to such reasonable amount as the Secretary may by rule establish."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask what committee reported this bill.

Mr. EDDY. It is the unanimous report of the Committee on the Public Lands. It has also been unanimously reported by a committee of the Senate and passed the Senate.

Mr. RICHARDSON of Tennessee. Is this the Senate bill?

Mr. EDDY. It is.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS ST. FRANCIS RIVER, ARKANSAS.

Mr. VANDIVER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16573) to authorize the construction of a bridge across the St. Francis River, at or near the town of St. Francis, Ark., without amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That authority is hereby granted, and consent is hereby given, for the building of a wagon and foot bridge across St. Francis River at or near the town of St. Francis, in the State of Arkansas, by A. R. Vanmatre, a citizen of the State of Missouri: *Provided*, That the plans for such bridge shall first be submitted to and approved by the Secretary of War.

SEC. 2. That said bridge shall be a lawful structure, and shall be known and recognized as a post route, and shall enjoy the rights and privileges of other post roads of the United States; and no charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States. Equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes; and any changes in said bridge which the Secretary of War may require in the interests of navigation shall be made by the person or corporation owning or operating the same at their own expense.

SEC. 3. That this act shall be null and void if actual construction of the bridge herein authorized shall not be commenced within one year and completed within two years from the date of approval hereof.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS RAINY RIVER, IN MINNESOTA.

Mr. MORRIS. Mr. Speaker, I move that the rules be suspended and pass the bill (S. 6446) to provide for the construction of a bridge across Rainy River, in Minnesota, without amendment.

The Clerk read the bill at length.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DEDICATION OF CERTAIN PROPERTY TO COLUMBUS, OHIO.

Mr. VAN VOORHIS. Mr. Speaker, I move to suspend the rules and pass Senate joint resolution 156, dedicating to the city of Columbus, in the State of Ohio, for uses and purposes of the public streets, part of property conveyed to the United States by Robert Neil by deed dated February 17, 1863, recorded in deed book 76, page 572, etc., Franklin County records.

The Clerk read the joint resolution, as follows:

Resolved, etc., That there be, and hereby is, dedicated to the city of Columbus, Franklin County, Ohio, for the uses and purposes of public streets and highways forever, so much of the property conveyed to the United States by Robert Neil by deed dated February 17, A. D. 1863, and recorded in deed book No. 76, at page No. 572, of said Franklin County's record of deeds as is described as follows: Being part of the streets bounding the 77 acres 3 rods and 8 poles of land known as the Columbus Barracks, situate in the city of Columbus, Ohio, said dedication being more specifically described as follows: Being the United States' part of Buckingham street, 77 feet wide; Cleveland avenue, 66 feet wide; Stanton street, 70 feet wide; and Jefferson avenue, 66 feet wide.

SEC. 2. That the Secretary of War be, and he hereby is, authorized and directed to execute such paper writing as will carry out the purposes of this resolution.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS CONECUH RIVER, ALABAMA.

Mr. WILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16915), as amended by the committee, authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State.

The Clerk read the bill at length.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

STATE SCHOOL INDEMNITY SELECTION IN ABANDONED MILITARY RESERVATION.

Mr. LACEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5505) adjusting certain conflicts respecting State school indemnity selections in lieu of school sections in abandoned military reservations, without amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That all State school indemnity selections in lieu of what are known as school sections in abandoned military reservations made pursuant to the decision of the Secretary of the Interior dated January 28, 1898, and before notice of the withdrawal of that decision was received at the local land office at which the selections were made, and which are otherwise regular and free from any prior lawful claim, shall be confirmed by the Secretary of the Interior; and the lands in such school sections in lieu of which such confirmed selections were made shall be disposed of under the laws applicable to other lands in such abandoned military reservations, a preference right being accorded to those who have made and maintained a bona fide settlement or entry pursuant to said decision of the Secretary of the Interior.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. LACEY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. LACEY. Mr. Speaker, this bill was introduced in the House and the Senate at the request of the Department of the Interior in order to relieve the situation growing out of a change in ruling. The Department first held that land sections 36 and 16 inside the military reservation formed a proper basis for indemnity selection. Subsequently it was held that the land belonged to the State for school purposes in place. During this period some land that had thus been disposed of by indemnity was settled upon, making a conflict between the settlers on the one hand and the indemnity selections on the other. While the law was thus held, all selections will be ratified and approved by this bill. This is to relieve the situation of the conflict between the indemnity and the settlers during that brief period.

Mr. STEPHENS of Texas. May I ask the gentleman a question?

Mr. LACEY. Certainly.

Mr. STEPHENS of Texas. Does not the gentleman think it would be an unsafe precedent for Congress to undertake to correct all the errors the Secretary of the Interior has made in his rulings?

Mr. LACEY. I think it would be unsafe, both for legislative action and departmental action, but here is a simple proposition covering a few years of time in which we find settlers, on the one hand, and the State, on the other, in conflict. It neither increases nor reduces the amount of the State land; it simply changes the location of it, that is all. The State has obtained other lands in lieu of those it formerly held, and which the settlers have taken, whereas the State ought to have kept the land it had instead of taking new land.

Mr. UNDERWOOD. Does this apply simply for the benefit of bona fide settlers who have gone on the land and settled it for homestead purposes?

Mr. LACEY. That is all; it relieves the settlers and does not deprive the State of any rights. The Department has submitted a bill through the Speaker to this House, and through the President of the Senate to the other House, asking this relief. The Senate bill having gone through, we now desire to substitute it for the House bill and pass it.

I reserve the remainder of my time.

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. I am satisfied.

The question being taken on the motion to suspend the rules and pass the bill, it was agreed to, two-thirds voting in favor thereof.

BRIDGE OVER PEARL RIVER, MISSISSIPPI.

Mr. McLAIN. I move to suspend the rules and pass the bill H. R. 16509, with the amendments reported by the committee.

The bill (H. R. 16509) to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi, was read, with the amendments proposed by the committee.

The question being taken, the motion to suspend the rules and pass the bill, with the amendments, was agreed to, two-thirds voting in favor thereof.

ROCHFORD CEMETERY ASSOCIATION, SOUTH DAKOTA.

Mr. MARTIN. Mr. Speaker, I move to suspend the rules and pass, with an amendment of the Committee on Public Lands, the bill (H. R. 12952) authorizing the Secretary of the Interior to issue patent to the Rochford Cemetery Association to certain lands for cemetery purposes.

The bill, with the amendments, was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to the Rochford Cemetery Association, of the town of Rochford, S. Dak., for cemetery purposes, to the following-described land, to wit: The south half of the southeast quarter of the southwest quarter of section 22, and the north half of the northeast quarter of the northwest quarter of section 27, township 2 north, range 3 east, Black Hills meridian, embracing in all 40 acres of land, in Pennington County, S. Dak., said patent to contain the provision that said land shall be used for cemetery purposes only: *Provided*, That the said association pay $1.25 per acre therefor.

Mr. RICHARDSON of Tennessee. I demand a second on the motion to suspend the rules.

Mr. MARTIN. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from South Dakota [Mr. MARTIN] to control the time in support of the motion, and the gentleman from Tennessee [Mr. RICHARDSON] in opposition.

Mr. MARTIN. Mr. Speaker, the town of Rochford, in Pennington County, S. Dak., has used a piece of Government land for cemetery purposes for nearly a quarter of a century. Rochford is an unincorporated village. Very recently some of the older citizens of the town have formed a cemetery association, which has been incorporated under the laws of the State for the purpose of acquiring this piece of land—40 acres—paying for it to the Government, and beautifying and preserving the cemetery.

The provisions of the bill are simply that the Secretary of the Interior may convey by patent to this Rochford Cemetery Association this 40 acres of land, to be used for cemetery purposes only, on the payment of the usual price of $1.25 per acre. The bill provides for nothing else. It is recommended by the Committee on the Public Lands, and by all who have passed upon the question.

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

LAND FOR RESEVOIR AND WATER PURPOSES, MONTROSE, CAL.

Mr. BELL. I move to suspend the rules and pass, with the amendment reported by the Committee on the Public Lands, the bill (H. R. 16731) permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes.

The bill with the proposed amendment was read, as follows:

Be it enacted, etc., That the town of Montrose, in the State of Colorado, is hereby authorized to enter and receive patent for the lands hereinafter described, by and in the name of the mayor of said town, and in trust for it, for reservoir and water purposes, upon its paying $1.25 per acre therefor, namely: Beginning at a point 1¼ miles north and 3 miles west of the quarter section corner on the west line of section 18, township 48 north, range 6 west, of the New Mexico principal meridian; thence north 2,640 feet; thence west 2,640 feet; thence south 2,640 feet; thence east 2,640 feet to the place of beginning, and containing 160 acres of unsurveyed, nonmineral mountain land, which should, if the Government survey was extended to said locality, constitute the south half of the northeast quarter and the north half of the southeast quarter of section 4, township 48 north, range 7 west, New Mexico principal meridian, in Montrose County, State of Colorado: *Provided*, That nothing herein contained shall be so construed as to impair any existing valid adverse rights to any portion of said land.

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

FOG BELL, ETC., ON SOUTHAMPTON SHOAL, SAN FRANCISCO BAY.

Mr. KAHN. I move to suspend the rules and pass the bill (S. 2450) to establish a fog bell and lens-lantern light on the southeastern end of Southampton Shoal, San Francisco Bay, California.

The bill was read as follows:

Be it enacted, etc., That there be established on the southeastern end of Southampton Shoal, San Francisco Bay, California, a fog bell and lens-lantern light, at a cost not to exceed $30,000.

Mr. RICHARDSON of Tennessee. I demand a second on the motion to suspend the rules.

Mr. KAHN. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. KAHN. Mr. Speaker, Southampton Shoal lies in the middle of San Francisco Bay, and is about 2½ miles long by a third of a mile wide. Between it and Angel Island is the strait through which all vessels bound for our great rivers, the San Joaquin and the Sacramento, and the San Pablo and Suisun bays, must sail. There is probably no place on the entire Pacific coast where so many vessels pass except through the Golden Gate itself. Recently a ship known as the *Malsden* was wrecked on that shoal. The Department strongly recommends the passage of this bill. The committee is unanimous in reporting it favorably.

The large number of vessels constantly passing this shoal, going to Port Costa and river ports to load with grain and other products, together with the danger by reason of the fogs so frequent in that neighborhood and the strong tides that run there, make it necessary that this light should be established. Under present conditions this shoal is a great menace to navigation. Several vessels have met disaster there, and the construction of this lighthouse is intended to prevent such accidents in the future. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. COWHERD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 7648) to authorize the construction of a bridge across the Missouri River and to establish it as a post road, with amendments.

The bill was read at length.

The SPEAKER. The question is on suspending the rules and passing the bill with amendments.

The question was taken; and in the opinion of the Chair two-thirds having voted in the affirmative, the rules were suspended and the bill as amended was passed.

EXTRADITION TO AND FROM THE PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7124) to provide for the removal of persons accused of crime, to and from the Philippine Islands, for trial.

The Clerk read the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object to that request, I would ask the gentleman if this bill has been considered by the Committee of the House on Insular Affairs?

Mr. COOPER of Wisconsin. The bill has not been considered by the House committee. I submitted it to the gentleman from Georgia [Mr. MADDOX], a member of the committee, and he said he could see no ground for objection to it. It passed the Senate last Saturday. The bill originated in the Department of Justice, was drawn by the Solicitor-General at the request of the Secretary of War, by whom it was sent here. It simply provides that persons committing crime, or charged with crime in the Philippine Islands and escaping to one of the Territories or States of the Union may be extradited, and the reverse of that, that persons committing crime here and escaping to the Philippine Islands may be brought back. There is no law now which provides for that extradition.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I think this bill ought to be considered by the committee. I object to having a second considered as ordered. We have not a copy of the bill and I want some further explanation.

The SPEAKER. Objection is made to a second being considered as ordered. The Chair would ask if the gentleman's motion is to pass the Senate bill as it passed the Senate?

Mr. COOPER of Wisconsin. As it passed the Senate.

The SPEAKER. Then, this other bill will have to be read, as the one which was read is not the same. The Clerk will report the bill as it passed the Senate.

The Clerk proceeded with the reading of the bill.

During the reading,

Mr. COOPER of Wisconsin. Mr. Speaker, that is not the way the bill passed the Senate. Manua was stricken out. It applies only to the Philippine Islands.

Mr. RICHARDSON of Tennessee. Mr. Speaker, this shows the necessity of having the bill considered by the committee.

The SPEAKER. We have here a certified copy of the bill and that is what the Clerk is reading from.

Mr. COOPER of Wisconsin. That being so, Mr. Speaker, I am willing to have the reference to the committee. I received the bill from the Senator from Massachusetts, who told me that was the way it passed the Senate, and I made this motion at his request.

The SPEAKER. Then the Chair understands that the gentleman withdraws his motion.

Mr. COOPER of Wisconsin. Yes; I withdraw my motion.

WILLIAM H. CRAWFORD.

Mr. ADAMS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1563) for the relief of William H. Crawford.

The bill was read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, William H. Crawford, of Philadelphia, Pa., an assistant engineer, with rank of lieutenant, junior grade, on the retired list of the Navy, as for disabilities incurred in the line of duty, to take effect upon the date of appointment under this act.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, I want to ask the gentleman if this bill has been reported by the committee of the House?

Mr. ADAMS. This bill has been reported by the Naval Committee, I believe, unanimously.

Mr. RICHARDSON of Tennessee. I will not object to having a second considered as ordered.

The SPEAKER. There is no objection. The Chair recognizes the gentleman from Pennsylvania.

Mr. ADAMS. Mr. Speaker, I will state to the House that this bill is to correct a mistake made by the Secretary of the Navy some years ago, in which an officer, after gallant service in the Army, having been wounded twice, upon recovery, was appointed an assistant engineer in the Navy, where he continued to serve during the balance of the war until injured by escaping steam. His health finally failed him, and he was ordered by a physician to go out to Colorado.

Knowing that probably the long absence required in order to effect a cure could not be obtained from the Department, he wrote a letter on the 1st of April, asking if his resignation would be accepted. To his surprise the Secretary of the Navy treated this inquiry as a resignation, and answered it on the 6th, saying that his resignation was accepted. Immediately, on the 9th, he wrote a letter saying there was a mistake—that it was simply an inquiry in order that he might control his conduct in regard to going to Colorado for his health, if it should be necessary; but he was informed that it was too late—that the resignation must stand. He continued to appeal to the Department to have this mistake rectified, until finally the Secretary of the Navy said it was beyond the power of the Department so to do, and referred him to Congress.

Under these conditions he has come to Congress with the sanction of the Secretary of the Navy. The bill has passed the Senate committee, it has passed the Senate, and has passed the House Committee on Naval Affairs. Now it comes before the House for passage in this body. It is a most meritorious case.

Mr. STEELE. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Indiana?

Mr. ADAMS. Yes.

Mr. STEELE. Is not this a bill that was voted down during the present session of Congress?

Mr. ADAMS. No, sir; this bill has not been voted down this session. I assure the gentleman.

Mr. STEELE. Was it not up for consideration?

Mr. ADAMS. It was up on a request for unanimous consent, and was objected to.

Mr. BARTLETT. May I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. ADAMS. I yield for a question.

Mr. BARTLETT. Do I understand the gentleman that this man comes in that class of those who resigned from the Navy at one time?

Mr. ADAMS. Why, sir, he did not resign.

Mr. BARTLETT. I am asking the question. I want to find out.

Mr. ADAMS. That is the merit of this bill. He wrote a letter of inquiry if his resignation would be accepted, and the reason for that inquiry was that he was threatened with consumption and his physician said that probably he would have to go to Colorado for a long residence; that he probably could not live in this climate longer. He made this inquiry to know, if he had to go, if this long absence for his health became necessary, whether his resignation would be accepted. To his surprise, this inquiry was treated and accepted as a resignation. He at once protested and has been protesting ever since.

Mr. BARTLETT. In other words, they accepted his inquiry whether he would have to resign as a resignation, and he is no longer on the rolls.

Mr. ADAMS. I will read the letter to the gentleman.

Mr. SMITH of Kentucky. Read the letter.

Mr. BARTLETT. I am just trying to find out the facts.

Mr. ADAMS. I am sure if the gentleman understands the facts he will help to right this wrong.

Mr. BARTLETT. I will, if it is right to do so.

Mr. ADAMS. The gentleman must understand that a naval officer in bad health has to report from time to time during his leave of absence. He wrote the following letter:

PHILADELPHIA, *April 1, 1868.*

SIR: I beg to inform the Department that my health has not been so good in the past fifteen days as when I last reported, and feeling convinced that it is permanently impaired to an extent sufficient to disqualify me from performing my duty, I respectfully ask if my resignation will be accepted if tendered at the end of the present month.

Very respectfully, your obedient servant,

W. H. CRAWFORD,
Second Assistant Engineer, U. S. Navy, 1328 Mount Vernon Street.

Hon. GIDEON WELLES,
Secretary United States Navy, Washington, D. C.

On the 6th of the month the Secretary of the Navy wrote as follows:

NAVY DEPARTMENT, *April 6, 1868.*

SIR: Your resignation as a second assistant engineer in the United States Navy, tendered in your letter of the 1st instant, is hereby accepted, to take effect on the 30th instant.

Respectfully,

GIDEON WELLES,
Secretary of the Navy.

Second Assistant Engineer WM. H. CRAWFORD,
Philadelphia.

To that he made the following reply:

Immediately upon receipt of the above letter Mr. Crawford wrote the Secretary, saying:

"PHILADELPHIA, *April 9, 1868.*

"SIR: Your letter of the 6th instant is received. I respectfully beg leave to state that I have not tendered you my resignation. I wrote to know if it would be accepted if tendered. My object in doing this is because my physician has advised me to go to the Rocky Mountains for my health, and if my health does not improve soon I thought of doing so, and in that case I wish to know if it will be accepted if tendered.

"Very respectfully, your obedient servant,

"W. H. CRAWFORD,
"*Second Assistant Engineer, U. S. Navy,*
"*No. 1328 Mount Vernon Street.*

"Hon. GIDEON WELLES,
"*Secretary U. S. Navy, Washington, D. C.*"

Mr. BARTLETT. What was the date of that letter inquiring whether his resignation would be accepted?

Mr. ADAMS. April 1, 1868.

Mr. BARTLETT. What has this officer been doing now for thirty-four years?

Mr. ADAMS. He has been importuning the Navy Department to correct this error. So far as he was informed, the entire power lay with the Secretary of the Navy to rescind the acceptance of that resignation. When Secretary Long informed him that it was beyond the power of the Secretary of the Navy to rescind that resignation, and referred him to Congress, he came here at once. The matter now stands with the approval of the Secretary of the Navy, with the indorsement of the Senate committee, the passage of the bill through the Senate, the passage of the bill through the House Naval Committee, and it is now before the House for ratification.

Mr. LACEY. Will the gentleman notice that the letter was written on April 1.

Mr. ADAMS. Yes; and that is the reason he was made a fool of.

Mr. BARTLETT. May I inquire of the gentleman, when he first undertook to correct this mistake or error, which was committed by the Navy Department, to which he has referred?

Mr. ADAMS. Three days afterwards. I have just read the letter to the gentleman.

Mr. BARTLETT. I understand that. When he undertook to correct it at the Navy Department, what did he do after that in order to get the Department to restore him to his place?

Mr. ADAMS. I will state to the gentleman that here is the affidavit of Lieutenant Crawford——

Mr. BARTLETT. Of course I accept the gentleman's statement as to that.

Mr. ADAMS. I will read the affidavit:

From April 9, 1868, until Secretary Long decided, in 1899, that the Department had not power to correct, etc.

And so this paper goes on to state that in order to support himself that he was obliged to take private occupation, which took him out of the country off and on, but that he never ceased to importune the Department to correct the mistake which the Department had made. It is not a case similar to that of the other officers who went on and resigned. He never resigned and never intended to resign.

Mr. BARTLETT. Will the gentleman permit me to ask him another question?

Mr. ADAMS. Certainly.

Mr. BARTLETT. Do I understand the gentleman to say that it has taken the Navy Department from 1868 to 1899, with all its incoming and outgoing Secretaries and other officials, to determine whether this man had properly resigned or not?

Mr. ADAMS. It took them that time, after all his repeated efforts, while it was understood that the Secretary had the power to correct the error, before Secretary Long said that it was necessary for him to come to Congress.

Mr. BARTLETT. Do you mean to say that there was no one in the Navy Department in this thirty years who was able to tell this man that they had no power and that he should come to Congress for relief.

Mr. ADAMS. I mean to say that no Secretary took that position until Secretary Long took it and referred him to Congress. That is the record.

Mr. BARTLETT. And the gentleman says this officer has been absent from the country engaged in some business?

Mr. ADAMS. Off and on. He had to support his family.

Mr. BARTLETT. Why, certainly; and he ought to have done it.

Mr. STEELE. I would like to have a little time upon this bill without taking the time of the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Tennessee controls the time in opposition to the bill.

Mr. ADAMS. I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Indiana.

Mr. STEELE. I would ask the gentleman from Pennsylvania did not this officer send a feeler to the Navy Department to see if it would not give him some more leave of absence or accept his resignation? I will ask him if it is not a fact that he had been deviling the Department for nearly a year before that, without having performed any service, getting a leave of absence and asking for an extension and saying will not the Department or will the Department, at a certain time next year, say, that, on account of my inability to perform service, accept my resignation, and in obedience to that the Secretary of the Navy accepted his resignation? Is it not a case where the Secretary himself gave the benefit of the doubt to the service and got rid of him?

Mr. ADAMS. I am surprised at the gentleman from Indiana.

Mr. STEELE. Well, answer the question. I do not want your surprise.

Mr. ADAMS (continuing). With his record as a soldier, to bring up such a suggestion against a man whose health has been impaired in the service of the country. He was wounded at Fair Oaks and was at Antietam. Then afterwards he went into the Navy, and was scalded by escaping steam so as to affect his health.

Mr. STEELE. I am asking for information.

Mr. ADAMS. The remarks of the gentleman should rise above that. The man was in ill health.

Mr. STEELE. And has been ever since the war.

Mr. ADAMS. And has been.

Mr. STEELE. He has never performed any duty since the close of the war. Then he threatened to resign, and the Secretary just accepted the bluff. [Laughter on the Democratic side.]

Mr. ADAMS. Not at all. I have explained the circumstances fully; that he felt that he was compelled to go to Colorado for his health.

Mr. STEELE. What does the Secretary of the Navy say about it?

Mr. ADAMS. Secretary Long?

Mr. STEELE. Secretary Welles; and after Secretary Welles had called the bluff, as my friend on the other side suggests, who knows the game better than I do—when he called the bluff and had accepted his resignation, how is it we had no Secretary who came to Congress and asked power to correct the mistake, if it was one, and if he did not say so, why did not the next Secretary say so, or any other in the last twenty-five years have anything to say of the kind? No Secretary has said so until Secretary Long said what he is reported to.

Mr. ADAMS. I will state in reply to the gentleman that shortly after the war the officers of the Navy were in excess of those required for the public service, and they were seizing every chance to accept resignations or supposed resignations in retiring them and getting them off the list. That is one reason why this inquiry was taken and accepted as a resignation when a resignation never was intended.

Mr. STEELE. What I want to know is this: If the gentleman believes that this officer had been a desirable officer and the Secretary had made a little mistake, if he would not have corrected it in ten days, much less thirty years?

Mr. ADAMS. Why, the gentleman forgets that I read the letter of Lieutenant Crawford, which he wrote to the Department after they had accepted his letter as a resignation on the 6th, he wrote them on the 9th.

Mr. STEELE. That was just after his bluff had been called. He felt badly about it.

Mr. ADAMS. I do not consider, sir, that a resignation of an officer of the United States Navy is to be called and made fun of by the term of "bluff" in the House of Representatives.

Mr. STEELE. There may be something objectionable to the word "bluff."

Mr. ADAMS. There is when you apply it to the honorable resignation of an officer of the United States Navy.

Mr. STEELE. I have had my bluffs called. [Laughter.]

Mr. ADAMS. You can not call mine on this subject. [Laughter.] If you do you will be beaten by the House of Representatives.

Mr. STEELE. Well, that is all right. I understand the case from the gentleman's point of view, but my opinion is that my surmise is correct, that if he had been a desirable officer he would have been in the Navy to-day.

Mr. ADAMS. I say, Mr. Speaker, that he was a desirable officer. I have explained that at that particular time the officer was in the United States service.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON of Tennessee. I want to ask if the gentleman is speaking in his own time or in mine?

Mr. ADAMS. I am speaking in the time of the gentleman from Tennessee.

Mr. STEELE. I have just taken my seat, and I am glad the gentleman has finished his remarks. [Laughter.]

Mr. RICHARDSON of Tennessee. I now yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I would be glad if the gentleman from Pennsylvania would have read again the letter of resignation in my time.

Mr. ADAMS. Let the Clerk read it.

The Clerk read as follows:

PHILADELPHIA, *April 1, 1868.*

SIR: I beg to inform the Department that my health has not been so good in the past fifteen days as when I last reported, and feeling convinced that it is permanently impaired to an extent sufficient to disqualify me from performing my duty, I respectfully ask if my resignation will be accepted if tendered at the end of the present month.

Very respectfully, your obedient servant,

W. H. CRAWFORD,
Second Assistant Engineer, U. S. Navy, 1338 Mount Vernon Street.

Hon. GIDEON WELLES,
Secretary U. S. Navy, Washington, D. C.

Mr. GROSVENOR. Mr. Speaker, we have set an example to-day—and I refer to this case so that I may be in a proper position—of overruling the War Department and the Navy Department in many of their acts which have stood uncontested for from thirty to thirty-five years. I do not undertake to decide what ought to be done about this, but one thing is very certain, we have a most incompetent and unworthy organization of the Navy and the Army, or we have come to a degree of interference by Congress that is not justified.

I will not comment upon other bills which have been passed. We passed a bill that worked its way somehow or other from the Military Committee conferring an office, a status upon a sergeant of the war who failed to acquire a commission. There were many thousands of them. The chairman of the Committee on Military Affairs told me to-day that he did not doubt that there were 3,000 of them standing in the same position, good men, but not officers.

Now, here is a case of a man who notified the Department thirty-odd years ago that he was not fit to be in the naval service, and the Department accepted his proposition, and he went out. Now, times got hard, his health is now not what he thought it was then, and he comes back to be restored to the Navy. Have we got an arm of the service so utterly inefficient that it can not do business better than that, or are we to load the retired list of the Army and Navy simply because somebody is a good man, and somebody made a mistake in going out of the Navy, and now after a long lapse of years wants to be put back?

I do not believe in it; and I will take my chances of the criticism by the gentleman from Pennsylvania that this is a good soldier.

I do not doubt it. He is contented with his record, and so am I. He eulogizes him here in Congress; so would I if I knew him. But I can bring here 100 cases, in two hours' time, just as meritorious as that one. The question is now are we to proceed and establish the precedent that all a man has got to do is to come here and say he made a mistake and regrets it and we restore him to the service?

Mr. ROBINSON of Indiana. I would like to ask the gentleman from Ohio if he considers the letter a resignation?

Mr. GROSVENOR. I do. Acquiescence, as the gentleman knows, for he is a lawyer, in a construction of that character is just as good as if it had been in the most positive terms.

Mr. ROBINSON of Indiana. Does not the gentleman recognize that in three days after it had been so construed the officer himself gave the other construction to it?

Mr. GROSVENOR. He did not give a very effective construction to it.

Mr. ADAMS. Mr. Speaker, the mistake the gentleman from Ohio makes is one of principle. I would have some sympathy with his remarks if he said that this House ought not to overturn the judgment of the Department and reinstate an officer who had resigned of his own volition. That position would have been sound and well taken; but that is not this case. This man did not resign. He did not acquiesce in the construction of his letter. It was a wrong construction, which he asks you to right. Immediately upon receiving the acceptance of his alleged resignation, dated the 6th, at once, on the 9th, he writes and says, "I did not resign. That was never intended to be a resignation."

We are not overriding the judgment of the Department. There is no such purpose proposed in this bill. Those who take that view do not understand the situation. The matter is simply this: The Department admits that the mistake was made in the interpretation of this man's letter, and the Department says: "We can not correct our own mistake; you must go to Congress." In pursuance of the direction of the Secretary of the Navy this man comes to Congress; and this bill is brought before the House for the purpose of correcting the mistake admitted by the Department, but which it states it has no power to correct.

That is the position. There is no reversal of the judgment of the Secretary of the Navy; there is no reversal of the advice and judgment of the Department. The object is simply to correct an error.

Mr. STEELE. Was not this bill voted down at the last session?

Mr. ADAMS. Not within my knowledge.

Mr. ROBINSON of Indiana. I do not want the gentleman from Pennsylvania to understand me as construing this man's letter as a resignation. I think it was not.

Mr. ADAMS. It was not.

Mr. FITZGERALD. If this man did not intend to resign at the end of the month, why did he want the opinion of the Department as to whether his resignation would be accepted?

Mr. ADAMS. Simply because he was in ill health—was threatened with consumption—and had been advised by his physician that to effect a permanent cure he would probably have to go to Colorado for the period of a year or more. He had the matter under consideration, and he asked the Department whether, if he decided that he must be absent from duty for this long period (for which he could not get leave of absence), the Department would accept his resignation.

Mr. FITZGERALD. In that letter he states that his health was impaired and that he would be unable to perform any of the duties of his position.

Mr. ADAMS. As I have stated, every officer who is absent on sick leave is obliged to make a report to the Department every fifteen days as to the state of his health, and the letter to which the gentleman refers was written partly in compliance with the regulation of the Department.

Mr. FITZGERALD. Did he want the Department to inform him that it would not accept his resignation if it should be sent in?

Mr. ADAMS. No; he wished to know whether, if his resignation should be tendered at the end of the month, it would be accepted. The letter so states.

Mr. FITZGERALD. He desired to send in his resignation at the end of the month?

Mr. ADAMS. He did not know as to that. He was awaiting the decision of his physician as to whether he would be obliged to go away for a long period in order to cure permanently his threatened pulmonary trouble.

The question being taken on the motion to suspend the rules and pass the bill,

The SPEAKER. In the opinion of the Chair, two-thirds have failed to vote in favor of the motion, and it is not agreed to.

TRANSFER OF LANDS IN CALIFORNIA.

Mr. NEEDHAM. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5212) granting to the State of California 640 acres of land in lieu of section 16, township 7 south, range 8 east, San Bernardino meridian, State of California, now occupied by the Torros band or village of Mission Indians.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, granted to the State of California 640 acres of lands, to be selected by said State, under the direction of the Secretary of the Interior, from any of the unappropriated public lands of nonmineral character in said State, in lieu of section 16, township 7 south, range 8 east, San Bernardino meridian, State of California; and the selection by said State of the lands hereby granted, upon the approval of same by the Secretary of the Interior, shall operate as a waiver by the State of its right to said section 16, and thereupon said section 16 shall become a part of the reservation heretofore set apart for the use and occupancy of the Torros band or village of Mission Indians, of southern California, under the provisions of the act of Congress approved January 12, 1891, entitled "An act for the relief of the Mission Indians in the State of California," according to the terms and subject to the conditions imposed by said act.

The SPEAKER. Is a second demanded on this motion?

Mr. MOON. A second is demanded.

Mr. NEEDHAM. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. NEEDHAM. Mr. Speaker, under the general law there were granted to the State of California sections 16 and 36 for school purposes. It has been found that section 16 described in the bill is occupied by the Torros Band of Mission Indians, who have made valuable improvements upon it, including some artesian wells and other property of that kind. This bill provides that the State of California may select, in lieu of the lands now so occupied, another 640 acres. The bill was prepared by the Department, it has passed the Senate, and has been unanimously reported by the Committee on Public Lands.

The question being taken on the motion of Mr. NEEDHAM to suspend the rules and pass the bill, it was agreed to (two-thirds voting in favor thereof).

WIDOWS ISLAND, MAINE.

Mr. LITTLEFIELD. I move to suspend the rules and pass the bill (H. R. 3100) providing for the conveyance of Widows Island, Maine, to the State of Maine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and instructed to convey, for and in behalf of the United States, to the State of Maine, when said State shall decide to accept the same, to be used for public purposes, Widows Island, situated in Fox Island thoroughfare, on the coast of Maine, with all of the buildings and improvements thereon: *Provided*, That whenever, in the judgment of the President of the United States, the building and grounds herein ceded to the State of Maine are needed by the Navy Department, the United States may resume possession of the same: *And provided further*, That should the United States resume possession of said building and grounds the value of any improvements made by the State of Maine shall be refunded to the State of Maine, and that the Secretary of the Navy shall ascertain and fix the value of said improvements, if any there be: *Provided further*, That if the State of Maine shall at any time cease or fail to use the aforesaid property for public purposes it shall immediately revert to the United States, and in that case no compensation shall be made by the United States for any improvements or betterments.

Mr. RICHARDSON of Tennessee. I demand a second on this motion.

Mr. LITTLEFIELD. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I ask whether this bill has been reported by any committee of this House?

Mr. LITTLEFIELD. Yes, sir; it has been unanimously reported by the Committee on Naval Affairs at this session, the report having been made by the gentleman from Kentucky [Mr. WHEELER].

Mr. RICHARDSON of Tennessee. I do not object to a second being ordered.

There being no objection, the motion to suspend the rules was seconded.

The SPEAKER. The question is now on suspending the rules and passing the bill.

Mr. RICHARDSON of Tennessee. I should like to hear some reason in favor of the bill. I should be glad to know the value of this island.

Mr. LITTLEFIELD. I think that if the Clerk will read the report it will be found to make a clear statement of the whole situation. After the reading, if any gentleman so desires, I will make a further explanation.

The SPEAKER. The Clerk will read the report in the time of the gentleman from Maine [Mr. LITTLEFIELD].

The Clerk read as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 3100) providing for the conveyance of Widows Island, Maine, to the State of Maine, beg leave to submit the following report:

Widows Island, which is authorized to be conveyed by this bill to the State

of Maine, is situated on the coast of Maine. It was purchased by the Light-House Board in 1857, of private individuals, for the sum of $500. In 1887 a naval hospital was constructed thereon, at an expense of $50,000, for the purposes and under the circumstances set forth in the letter of the Secretary of the Navy, containing the report of the Bureau of Medicine and Surgery approving the bill, which is now quoted:

NAVY DEPARTMENT, *Washington, January 16, 1901.*

SIR: Referring to bill H. R. 12001, providing for the conveyance of Widows Island, Maine, to the State of Maine, and to your request of the 11th instant for an expression of the Department's views in regard thereto, I have the honor to state that the Bureau of Medicine and Surgery, which has charge of the property in question, reports as follows:

"The naval hospital on Widows Island, Maine, was built in 1887. It is a two-story building, 50 by 69 feet. It will accommodate about 30 patients. It was intended principally as an administration building, and a majority of the patients were to be accommodated in outside pavilions.

"The hospital was built to meet an emergency which no longer exists. The Navy Department had a small yellow-fever hospital on Woods Island, near Portsmouth, but local influences necessitated its abandonment, and it became immediately necessary to provide other accommodations for possible yellow-fever cases that could not then be cared for elsewhere.

"In consequence of wise and effective sanitary precautions the vessels of the Navy cruising in the West Indies have been free from yellow fever for several years. Meanwhile, the health authorities of the State of New York have established in the lower bay, inside of Sandy Hook, very extensive and very complete contagious-disease hospitals, where every attention can be given to the officers and crews of infected vessels and the vessels thoroughly disinfected. In the event of yellow fever appearing on any vessel of the Navy it would be immediately sent to the New York quarantine station, which is now thoroughly well equipped for service.

"This renders the Widows Island Hospital unnecessary as a yellow-fever hospital, for which it was built, and it is not required for a general hospital. There is a naval hospital at Portsmouth, N. H., which meets all requirements of the station.

"The Widows Island Hospital has been a source of expense to the Bureau of Medicine and Surgery for many years, as it was necessary to keep it in repair and have it properly guarded. It was not needed during the war with Spain, and it is altogether improbable that it would ever be needed by the Navy or be anything else than a continued expense. The Bureau, therefore, entirely approves of H. R. 1201 and recommends its approval by the Department."

This property having ceased to be of service to the Navy, so far as this Department is concerned, no objection is perceived to the passage of the measure above mentioned ceding it to the State of Maine.

Very respectfully,

JOHN D. LONG, *Secretary.*

HON. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs, House of Representatives.

Since this hospital was built in 1887, for the reasons, presumably, indicated in the letter of the Secretary of the Navy, it has never been occupied by a single patient. Its only occupant has been the keeper, who has had charge of the property for the Government, without having been of any use to the Government. Since its erection it has been a constant source of expense, the items for the last four years being as follows:

1897—Keeper	$720.00
Miscellaneous expenses	207.99
Total	927.99
1898—Keeper	720.00
Miscellaneous expenses	65.00
Total	785.00
1899—Keeper	720.00
Miscellaneous expenses	72.33
Repairs to roof	30.00
Total	822.33
1900—Keeper	720.00
Miscellaneous expenses	183.75
Wharf	650.00
Total	1,553.75

We are of the opinion that there is no reasonable probability of its use by the Government; and if it is to be kept by the Government and kept in proper condition, it will involve an annual outlay of from $720 to $1,000 or more. Under the circumstances we recommend the passage of the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I could not catch the condition on which the Government of the United States can resume this title. I understood there was some such condition in the bill.

Mr. LITTLEFIELD. Yes. I will read it:

Provided, That whenever, in the judgment of the President of the United States, the building and grounds herein ceded to the State of Maine are needed by the Navy Department, the United States may resume possession of the same: *And provided further*, That should the United States resume possession of said building and grounds the value of any improvements made by the State of Maine shall be refunded to the State of Maine, and that the Secretary of the Navy shall ascertain and fix the value of said improvements, if any there be: *Provided further*, That if the State of Maine shall at any time cease or fail to use the aforesaid property for public purposes it shall immediately revert to the United States, and in that case no compensation shall be made by the United States for any improvements or betterments.

My attention was first called to this, I would say to the gentleman from Tennessee, by Surgeon-General Van Ruypen, about three years ago. I was in his office one day and he called my attention to this island with this hospital upon it. I knew about the island, because it is situated about 15 miles from where I live. He called my attention to the fact that it never had been used, even for a minute, for the purposes for which it was constructed; that it cost the Department on an average about $1,000 a year, and he asked me if I could not arrange to get rid of it and get the State of Maine to take it. I told him that possibly it might be done, so I introduced a bill at the last session, which was unanimously reported by the committee, but I was not able to reach it.

I have seen the building myself during the past summer. The roof is in such condition that extensive repairs will have to be made in order to make it tight. It seems that the original contractors contemplated a continuous leak, because when they built it they built around the chimneys that are in the building wooden troughs for the purpose of catching the leakage, and since then it has had tubs and receptacles of that sort in its attic for that purpose. Unless a large sum of money is expended on the roof, the building itself will be somewhat injured by that leakage. That is about all there is to the bill. At the suggestion of the Surgeon-General I am doing what I can to get rid of this annual expense which does not seem to produce any result to the Government of the United States.

Mr. RICHARDSON of Tennessee. Does the gentleman think it fair to impose this expense on the State of Maine to keep it in order?

Mr. LITTLEFIELD. The State of Maine will have to keep it in order if it accepts it. It contemplates using it as a reformatory for women. It is not especially well adapted for that.

Mr. GROSVENOR. Badly located?

Mr. LITTLEFIELD. Yes; it is not very well located for that purpose. I am inclined to think that if the bill passes the State of Maine will probably create a reformatory for women and locate it in this place.

Mr. RICHARDSON of Tennessee. Does the gentleman think that if a condition were imposed on the State of Maine to pay from $25,000 to $50,000, that the State of Maine would accept it on that condition?

Mr. LITTLEFIELD. I should doubt it very much. I think it is somewhat doubtful whether the State of Maine will organize its reformatory for women, even under the circumstances, if the building is transferred from the Government.

Mr. RICHARDSON of Tennessee. I believe the report shows that the Government expended $50,000 on the building.

Mr. LITTLEFIELD. Yes; it undoubtedly cost $50,000.

Mr. RICHARDSON of Tennessee. How much land is there?

Mr. LITTLEFIELD. There are something like two or three acres on the island. There is nothing else on it except this building and the wharf, and it is absolutely worthless for any other purpose. It is not practicable to use it for any other purpose.

Mr. HEPBURN. Mr. Speaker, could we not utilize this occasion for at least one useful purpose, that of trying to find out who is responsible for this expenditure of nearly $100,000 for a piece of property that the Government of the United States has never for one moment used? Somebody is responsible for this kind of crime, and we ought to at least be able to find out who it is and hold him up so that the people can excoriate him, mentally, at least.

Mr. LITTLEFIELD. I have no objection to the gentleman from Iowa holding up anybody or impaling anybody he likes, but I take it he will not bother the gentleman from Maine with that process, because it was before his time. I assume it was built for good reasons. Who was responsible for this in 1887 I do not know.

Mr. RICHARDSON of Tennessee. What appropriation bill carries the annual appropriation for that?

Mr. LITTLEFIELD. I presume the naval appropriation bill; but as to that I do not know.

Mr. RICHARDSON of Tennessee. Perhaps the gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, could tell us.

Mr. CANNON. I do not know anything about the island or the widow. No appropriation bill that I know anything about carries this appropriation.

Mr. RICHARDSON of Tennessee. Does not the gentleman recognize that it would be impossible to get the $720 appropriated annually, which I understood the gentleman from Maine to say had been appropriated, unless Congress made the appropriation? And if Congress made the appropriation, I thought it was a respectful question to address to the chairman of the Committee on Appropriations, because I know he knows what the items are which are recommended by the Committee on Appropriations.

Mr. CANNON. I will say to the gentleman from Tennessee that I have no doubt that the maintenance of hospitals is paid from appropriations carried by the naval appropriation bill, and not from any carried on the sundry civil bill.

Mr. GROSVENOR. Mr. Speaker, I should like to ask the gentleman from Maine if he is personally well acquainted with this island and these premises?

Mr. LITTLEFIELD. I can not say that I am well acquainted. I was on the island during the last summer, and at this building, and made a call on the keeper.

Mr. GROSVENOR. What sort of a place would it be for a lobster hatchery? [Laughter.]

Mr. LITTLEFIELD. I do not think the gentleman from Ohio can hatch out any lobster idea from this island.

Mr. GROSVENOR. We have had some trouble to give the State of Maine a lobster hatchery.

Mr. LITTLEFIELD. I know you did, and you exercised a great deal of discretion in so doing, which it affords me great pleasure to now acknowledge.

Mr. CANNON. May I ask the gentleman a question?

Mr. LITTLEFIELD. Yes.

Mr. CANNON. This is on the seacoast?

Mr. LITTLEFIELD. It is in Fox Island Thoroughfare, in Penobscot Bay.

Mr. CANNON. There come in, especially from Portland and New York Harbor, and generally from New York, claims for damages, scores of them, for the breaking of windows and the doing of damage by the discharge of the high-power guns in our seacoast defenses. Are there any of them near there that would jar out any of these windows?

Mr. LITTLEFIELD. I have not discovered anything larger than a fowling piece.

Mr. CANNON. Nothing larger?

Mr. LITTLEFIELD. No.

Mr. CANNON. There are no high-power guns near there?

Mr. LITTLEFIELD. No, except in Portland, and that is about 60 miles distant. I do not understand that the shock would travel that distance.

Mr. CANNON. For many years there has been an agonizing effort to have the Government buy certain lands upon Cushings Island.

Mr. LITTLEFIELD. I have nothing to do with that.

Mr. CANNON. I just wanted to ask my friend a question. The lands are very expensive, and very extensive also. Does my friend think that a trade might be gotten up in some way by which we could get Cushings Island?

Mr. LITTLEFIELD. I do not think any Siamese twinship could be found between Cushings Island and Widows Island. I am pretty well advised as to what the chairman of the committee has in his mind.

Mr. FITZGERALD. Will the gentleman from Maine allow me to ask him a question?

The SPEAKER. Does the gentleman from Maine yield to the gentleman from New York?

Mr. LITTLEFIELD. With pleasure.

Mr. FITZGERALD. During the reading of the report it was stated that there were accommodations in the harbor of New York for these yellow-fever cases. Is it the intention to make New York Harbor a dumping ground for the yellow-fever cases formerly sent to this island?

Mr. LITTLEFIELD. If that were the intention, it need not disturb New York very much, when fifteen years have elapsed without a single case in that hospital. I do not think my friend need be disturbed very much about that.

Mr. FITZGERALD. There must have been some possibility of a number of cases from the Navy being sent to this hospital, when such an extensive plant was erected.

Mr. LITTLEFIELD. I know nothing about what gave rise to the erection of this building, or what were the reasons for building it. I suppose the Department expected to have some use for it, but it turns out to be a fact that they have not had.

One of the reasons given by the Surgeon-General in conversation was substantially the reason given here—that after it was built other accommodations, as I remember it, were made in New York, which more adequately took care of their yellow-fever patients, and rendered this unnecessary. Of course I do not know anything about that.

Mr. FITZGERALD. The accommodations made in the harbor of New York were made by the local authorities for the protection of the people of New York. It is not a place to which the Navy can send its cases. It is a place where vessels coming to the port of New York with persons infected by contagious diseases may send them until they have recovered; and if the object of the bill is to make this contageous-disease station in New York Harbor a dumping ground for the entire Navy, it is my opinion that this hospital in Maine should remain the property of the Government.

Mr. LITTLEFIELD. Well, I will say to my friend from New York, that I do not think there is any such purpose or intent.

Mr. FITZGERALD. I should hope not, because we are quite solicitous about our health up there.

Mr. LITTLEFIELD. I do not think that consideration is involved in it at all.

The question was taken; and two-thirds voting in favor thereof, the rules were suspended and the bill passed.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On January 31, 1903:

H. R. 2974. An act for the relief of J. V. Worley; and

H. R. 14516. An act granting an increase of pension to James D. Kiper.

On February 2, 1903:

H. R. 15922. An act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6147. An act to establish a fish-hatching and fish station in the State of Indiana—to the Committee on the Merchant Marine and Fisheries.

S. 2429. An act to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation—to the Committee on Claims.

S. 7124. An act to provide for the removal of persons accused of crime to and from the Philippine Islands, Guam, Tutuila, and Manua for trial—to the Committee on Insular Affairs.

S. 7168. An act to establish a port of delivery at Salt Lake City, Utah—to the Committee on Ways and Means.

S. 6339. An act to confirm certain forest lieu selections made under the act approved June 4, 1897—to the Committee on Public Lands.

S. 6515. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.—to the Committee on the District of Columbia.

S. 261. An act providing for the establishment of a life-saving station in the vicinity of Cape Flattery, or Flattery Rocks, on the coast of Washington—to the Committee on Interstate and Foreign Commerce.

S. 6847. An act to increase the number of light-house districts—to the Committee on Interstate and Foreign Commerce.

S. 3309. An act for the relief of Mary A. Shufeldt—to the Committee on Claims.

S. 6056. An act to pay Hewlette A. Hall balance due for services in connection with the Paris Exposition—to the Committee on Claims.

S. 6536. An act providing for the construction of a tender for the Twelfth light-house district—to the Committee on Interstate and Foreign Commerce.

S. 4876. An act to remove the charge of desertion from the military record of William P. Taylor, deceased—to the Committee on Military Affairs.

S. 6754. An act authorizing the city of Batesville, Ark., to draw water from the pool of Dam No. 1, Upper White River—to the Committee on Interstate and Foreign Commerce.

S. 6290. An act to extend the provisions of section 2455 of the Revised Statutes of the United States, as amended by act of February 26, 1895, relating to public lands—to the Committee on the Public Lands.

S. 7044. An act to authorize the President to detail officers of the Revenue-Cutter Service as superintendents or instructors in the public marine schools—to the Committee on Interstate and Foreign Commerce.

Senate concurrent resolution No. 61:

Resolved by the Senate (the House of Representatives concurring), That 15,000 copies of the Woodsman's Handbook, part 1, being Bulletin 36, Bureau of Forestry, United States Department of Agriculture, be printed and bound at the Government Printing Office, of which 5,000 copies shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Department of Agriculture—

to the Committee on Printing.

NELLIE ETT HEEN.

The SPEAKER laid before the House the bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, range 101 west, in the State of North Dakota, with a Senate amendment; which was read.

Mr. MARSHALL. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8238. An act for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes;

H. R. 8650. An act for the relief of the estate of Leander C. McLelland, deceased;

H. R. 12316. An act granting an increase of pension to Weden O'Neal; and

H. R. 1139. An act granting a pension to Carter B. Harrison.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 13679. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898;

H. R. 11858. An act for the relief of William E. Anderson;

H. R. 1147. An act for the relief of the First Baptist Church of Cartersville, Ga.; and

H. R. 16333. An act to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SWANSON, indefinitely, on account of sickness.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to: and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting an abstract of the militia returns of the several States and Territories—to the Committee on Militia, and ordered to be printed.

A letter from the East Washington Heights Railroad Company, transmitting the report of said company for the year ended December 31, 1902—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a report by the Commissioner of Indian Affairs relating to the claim of Delos K. Lonewolf—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting supplemental estimates of appropriations for the service of the fiscal year ending June 30, 1903—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 3527) for the relief of Hannah W. Millard, reported the same without amendment, accompanied by a report (No. 3428); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16480) granting a pension to Anna C. Bingham, reported the same with amendments, accompanied by a report (No. 3429); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6442) granting an increase of pension to Sarah E. Gifford, reported the same with amendments, accompanied by a report (No. 3430); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11122) granting an increase of pension to John W. Copley, reported the same with amendments, accompanied by a report (No. 3431); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13046) granting an increase of pension to Joseph H. Ludlum, reported the same without amendment, accompanied by a report (No. 3432); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16427) granting an increase of pension to Juliaetta Rowling, reported the same with amendments, accompanied by a report (No. 3433); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11958) granting an increase of pension to Henry H. Windes, reported the same with amendments, accompanied by a report (No. 3434); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10505) granting a pension to Mabel A. Woolsey, daughter of Harvey Woolsey, reported the same with amendments, accompanied by a report (No. 3435); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16754) granting an increase of pension to Benjamin F. Hughes, reported the same with amendments, accompanied by a report (No. 3436); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15696) granting an increase of pension to Milton D. Wells, reported the same with amendments, accompanied by a report (No. 3437); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2913) granting a pension to Catherine A. Sawdy, reported the same with amendments, accompanied by a report (No. 3438); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17043) granting an increase of pension to Martha Maddox, reported the same with amendments, accompanied by a report (No. 3439); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1519) granting a pension to Nellie A. Batchelder, reported the same with amendment, accompanied by a report (No. 3440); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4066) granting an increase of pension to Philip Krohn, reported the same with amendments, accompanied by a report (No. 3441); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6065) granting an increase of pension to James Garland, reported the same with amendments, accompanied by a report (No. 3442); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2911) granting a pension to Charles M. Walker, reported the same with amendment, accompanied by a report (No. 3443); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4734) granting a pension to Deborah J. Fogle, reported the same with amendment, accompanied by a report (No. 3444); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4740) granting an increase of pension to J. E. Wallace, reported the same with amendments, accompanied by a report (No. 3445); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13701) granting a pension to Theodore Buri, reported the same with amendments, accompanied by a report (No. 3446); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16786) granting an increase of pension to John C. Sauther, reported the same with amendments, accompanied by a report (No. 3447); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14788) granting a pension to Frank E. Hills, reported the same with amendments, accompanied by a report (No. 3448); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15403) granting an increase of pension to Milton C. Norton, reported the same with amendment, accompanied by a report (No. 3449); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15404) granting an increase of pension to

William M. Hattery, reported the same with amendment, accompanied by a report (No. 3450); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15915) granting an increase of pension to Frank Stoppard, reported the same with amendments, accompanied by a report (No. 3451); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7433) granting an increase of pension to B. C. Knapp, reported the same with amendments, accompanied by a report (No. 3452); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16419) granting a pension to James Harrison, reported the same with amendments, accompanied by a report (No. 3453); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16857) granting an increase of pension to Oliver H. Kile, reported the same with amendments, accompanied by a report (No. 3454); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16784) granting an increase of pension to Michael Howe, reported the same with amendments, accompanied by a report (No. 3455); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16787) granting an increase of pension to R. G. Hanscom, reported the same with amendments, accompanied by a report (No. 3456); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17133) granting a pension to Kathinka Sichel, reported the same with amendments, accompanied by a report (No. 3457); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid pensions, to which was referred the bill of the House (H. R. 16048) granting a pension to John Graham, reported the same with amendments, accompanied by a report (No. 3458); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15619) granting an increase of pension to Charles Strong, reported the same with amendments, accompanied by a report (No. 3459); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12841) granting a pension to William King, reported the same with amendments, accompanied by a report (No. 3460); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17093) granting a pension to Caroline Schaefer, reported the same with amendment, accompanied by a report (No. 3461); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14929) granting a pension to John Keen, reported the same with amendments, accompanied by a report (No. 3462); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16667) granting an increase of pension to Leroy N. Buell, reported the same with amendments, accompanied by a report (No. 3463); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16000) granting an increase of pension to John A. Amadon, reported the same with amendments, accompanied by a report (No. 3464); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R 15440) granting an increase of pension to John Fullerton, reported the same with amendments, accompanied by a report (No. 3465); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6969) for the relief of Visa C. Morrill, reported the same with amendments, accompanied by a report (No. 3466); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6724) granting an increase of pension to Julia A. Stilwell, reported the same with amendments, accompanied by a report (No. 3467); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5586) granting a pension to Oliver W. Newton, reported the same with amendments, accompanied by a report (No. 3468); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16929) granting an increase of pension to William H. Trites, reported the same with amendment, accompanied by a report (No. 3469); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16785) granting an increase of pension to Collins W. Wright, reported the same with amendments, accompanied by a report (No. 3470); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6018) granting an increase of pension to William J. Chitwood, reported the same without amendment, accompanied by a report (No. 3471); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6370) granting a pension to Alice F. Smalley, reported the same with amendment, accompanied by a report (No. 3472); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7003) granting an increase of pension to Sarah C. Merrell, reported the same without amendment, accompanied by a report (No. 3473); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes—to the Union Calendar.

By Mr. CUSHMAN: A bill (H. R. 17203) to provide for the purchase of a site and the erection of a building thereon at Whatcom, in the State of Washington—to the Committee on Public Buildings and Grounds.

By Mr. LITTLE: A bill (H. R. 17204) to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: A bill (H. R. 17205) to pension all soldiers and sailors who served in the military or naval service of the United States at least ninety days in the war of the rebellion, and who were honorably discharged therefrom, at the rate of $12 per month, and also placing upon the pension roll of the United States the widows of such soldiers and sailors who were married prior to June 27, 1890—to the Committee on Invalid Pensions.

By Mr. McCLEARY: A bill (H. R. 17206) to extend the United States pension laws to participants in the Sioux Indian war of 1862—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 17236) to provide for the raising of Commodore Perry's flagship Niagara—to the Committee on Naval Affairs.

By Mr. HILL: A bill (H. R. 17237) removing fire limit on post-office grounds at Bridgeport, Conn.—to the Committee on Public Buildings and Grounds.

By Mr. HEATWOLE: A joint resolution (H. J. Res. 259) providing for change of method of distribution of bulletins and professional papers issued by the Geological Survey—to the Committee on Printing.

By Mr. ADAMSON: A joint resolution (H. J. Res. 260) to provide for printing additional copies of the reports of the Smithsonian Institution—to the Committee on Printing.

Also, a concurrent resolution (H. C. Res. 79) to authorize printing of additional copies of report of Smithsonian Institution for 1901—to the Committee on Printing.

By Mr. HEATWOLE: A concurrent resolution (H. C. Res. 80) relating to printing bulletins of the Department of Agriculture—to the Committee on Printing.

By Mr. SULZER: A concurrent resolution (H. C. Res. 81) authorizing the appointment of a joint committee to investigate our navigation policy, to trace its effects upon our marine, to consider how to encourage it and regain our lost carrying trade, and to report a constitutional remedial measure—to the Committee on Rules.

By Mr. BARTLETT: A concurrent resolution (H. C. Res. 82) to print certain documents on bankruptcy—to the Committee on Printing.

By Mr. ESCH: A joint resolution of the legislature of Wisconsin, relating to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: A joint resolution of the legislature of South Dakota, relating to treaty with Rosebud Indians—to the Committee on Indian Affairs.

By Mr. BROWN: A joint resolution of the legislature of Wisconsin, relating to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: A joint resolution of the legislature of South Dakota, relating to a treaty with the Rosebud Indians—to the Committee on Indian Affairs.

Also, a joint resolution of the legislature of Wisconsin, relating to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. JACKSON of Kansas: A concurrent resolution of the legislature of Kansas, asking that a battle ship be named "Kansas"—to the Committee on Naval Affairs.

By Mr. McCLEARY: A memorial of the legislature of Minnesota, asking the extension of the pension laws to participants in Sioux Indian war in 1862—to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A joint resolution of the legislature of Wisconsin, relating to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BELL: A bill (H. R. 17207) granting a pension to J. C. Terry—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 17208) granting an increase of pension to Isaac N. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17209) granting an increase of pension to Mason H. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17210) granting an increase of pension to William H. Cummins—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 17211) granting an increase of pension to James M. Walker—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 17212) granting an increase of pension to Mary F. Calef—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 17213) granting an increase of pension to Mahlon M. Lucky—to the Committee on Invalid Pensions.

By Mr. JOY (by request): A bill (H. R. 17214) for the relief of Mrs. Lucy C. Freeman, née Field—to the Committee on War Claims.

By Mr. McCLEARY: A bill (H. R. 17215) granting an increase of pension to Matthias J. Sontag—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 17216) granting an increase of pension to James W. Ferrell—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 17217) for the relief of Lucy C. Freeman, née Lucy C. Field—to the Committee on War Claims.

By Mr. METCALF: A bill (H. R. 17218) granting an increase of pension to George K. Knowlton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17219) granting a pension to Col. C. C. Marsh—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 17220) granting a pension to Samuel H. Reeder—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 17221) granting an increase of pension to James M. Seavey—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 17222) for the relief of the legal representatives of E. A. W. Hooe, deceased—to the Committee on War Claims.

By Mr. SHAFROTH: A bill (H. R. 17223) granting an increase of pension to Alonzo S. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17224) granting an increase of pension to Eli Newsom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17225) granting an increase of pension to Henry Wagner—to the Committee on Invalid Pensions.

By Mr. SKILES: A bill (H. R. 17226) granting an increase of pension to Joseph Mitchell—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 17227) granting a pension to Alanson Beebe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17228) for the relief of Elizabeth Fortier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17229) for the relief of George W. Zanty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17230) for the relief of William H. H. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17231) granting a pension to Ralph Steffens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17232) for the relief of Jane Ann Wheeler—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 17233) granting a pension to John Haynes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17234) granting an increase of pension to David Flynn—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17235) to remove the charge of desertion against Sampson Carroll—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of railroad brakemen and conductors of Pennsylvania, by J. P. Weaver, representative of the orders, in favor of the passage of the safety appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL: Petition of Bricklayers and Masons' Union of Canon City, Colo., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. BROMWELL: Sundry petitions of various firms and their employees, and other citizens of Cincinnati, Ohio, for the improvement of the Ohio River from Pittsburg to Cairo—to the Committee on Rivers and Harbors.

Also, resolution of the Builders and Traders' Exchange favoring joint resolution No. 220, for a survey of the Ohio River from the mouth of the Big Miami to the mouth of the Ohio—to the Committee on Rivers and Harbors.

By Mr. BOUTELL: Petition of citizens of Chicago, Ill., against the use of prize packages of snuff, etc.—to the Committee on Ways and Means.

By Mr. CANNON: Resolution of Carpenters and Joiners' Union No. 269, of Danville, Ill., for the repeal of the desert-land law—to the Committee on the Public Lands.

Also, petition of J. S. Williams and other retail druggists, urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CASSEL: Resolutions of Lancaster Central Labor Union of Lancaster, Pa., and of Cigar Makers' Union, No. 301, of Akron, Pa., for the repeal of the desert-land and homestead-commutation acts—to the Committee on the Public Lands.

Also, petition of the Woman's Christian Temperance Union of Millersville, Pa., and United Brethren Church of Dillsburg, Pa., against the repeal of the canteen law, and in relation to the sale of liquor in immigrant stations, Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. COOPER of Wisconsin: Petition of the Woman's Christian Temperance Union of Whitewater, Wis., for an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. DOUGHERTY: Petition of 50 citizens of Gallatin, Mo., for the passage of Senate bill 909, extending free-delivery service to cities whose postal receipts exceed $5,000 per annum—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of George A. Luetsche and A. J. Braustadt, Mondovi, Wis., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. FITZGERALD: Resolutions of the American Free Trade League, favoring the removal of the tariff on beef—to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania: Petition of retail druggists of Lehigh and Carbon counties, Pa., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. GRIFFITH: Papers to accompany House bill granting an increase of pension to Louis Spicer—to the Committee on Invalid Pensions.

By Mr. HAY: Petition of the heirs at law of William H. Lupton, deceased, late of Frederick County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HILDEBRANT: Petition of 35 citizens of Ellsberry, Ohio; the Commercial Club and other citizens of Ripley, Ohio, and vicinity, 164 names, for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

Also, petition of Ogden Monthly Meeting of Friends, Ogden

Ohio, asking for an exemption clause in House bill 15345, for the organization of the militia—to the Committee on the Militia.

Also, petition of 3 retail druggists of Mowrystown, Ohio, urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. KAHN: Resolutions of the Sailors' Union of the Pacific, for the repeal of the desert-land law—to the Committee on the Public Lands.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., favoring American register for British bark *Pyrenees*—to the Committee on the Merchant Marine and Fisheries.

By Mr. KEHOE: Petition of sundry citizens of Maysville, Ky., and vicinity, for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

By Mr. KNOX: Resolutions of the City Council of Boston, Mass., protesting against the establishment of a depot for the light-house service on Castle Island, Boston Harbor—to the Committee on Appropriations.

By Mr. LLOYD: Petition of retail druggists of Hannibal, Mo., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. McCLEARY: Resolutions of Typographical Union No. 42, Minneapolis, Minn., relative to amendment of the United States land laws—to the Committee on the Public Lands.

Also, resolutions of the same relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLELLAN: Resolutions of the American Chamber of Commerce, of Paris, France, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. RIXEY: Papers to accompany House bill for the relief of the legal representatives of E. A. W. Hooe, of Stafford County, Va.—to the Committee on War Claims.

By Mr. ROBB: Petition of J. D. Spain, of Saco, Mo., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. RUCKER: Petition of Geo. T. Bell and other retail druggists of Bucklin, Mo., favoring House bill No. 178—to the Committee on Ways and Means.

By Mr. SKILES: Paper to accompany House bill for increase of pension of Joseph Mitchell—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: Petition of various societies in Allendale, Ottawa County, Mich., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, protest of two Congregational churches and certain societies of Allendale, Mich., against the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petitions of the Woman's Christian Temperance Union, two Congregational churches, Wesleyan Methodist Church, of Allendale, and Wesleyan Methodist Church, of Blenden, Mich., to prohibit liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SNODGRASS: Petition of three retail druggists of Spring City and Lorraine, Tenn., favoring House bill 178—to the Committee on Ways and Means.

By Mr. SULZER: Resolutions of Aaron Wise Lodge, No. 244, Order of B'rith Abraham, of New York City, relating to methods of the Immigration Bureau at the port of New York—to the Committee on Immigration and Naturalization.

Also, resolutions of the Paint Grinders' Association of the United States, urging legislation to empower the Interstate Commerce Commission to establish uniform freight classification and freights—to the Committee on Interstate and Foreign Commerce.

Also, resolution of New York Stereotypers' Union No. 1, in reference to public lands, and favoring the repeal of the desert-land act—to the Committee on the Public Lands.

Also, resolutions of the American Chamber of Commerce of Paris, France, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. THOMAS of Iowa: Petitions of the Woman's Christian Temperance Union and the Methodist Episcopal Church of Ashton, Iowa; the First Methodist Episcopal Church, Lake Side Presbyterian Church, German Methodist Episcopal Church, and the First Baptist Church of Storm Lake, Iowa, in favor of the enactment of laws prohibiting the sale of intoxicating liquors in Government buildings and in immigrant stations—to the Committee on Alcoholic Liquor Traffic.

By Mr. THOMAS of North Carolina: Petition by citizens of Craven County, N. C., for the construction of the inland waterway—to the Committee on Rivers and Harbors.

By Mr. YOUNG: Resolution of the American Chamber of Commerce of Paris, France, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

SENATE.

TUESDAY, *February 3, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of John Q. Everson and others and John Lippincott and others *v.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Baltimore and Washington Transit Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

BRIGHTWOOD RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Brightwood Railway Company of the District of Columbia for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON RAILWAY AND ELECTRIC COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington Railway and Electric Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Georgetown and Tennallytown Railway Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

METROPOLITAN RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Metropolitan Railroad Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

COLUMBIA RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Columbia Railway Company for the fiscal year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Anacostia and Potomac River Railroad Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CITY AND SUBURBAN RAILWAY.

The PRESIDENT pro tempore laid before the Senate the annual report of the City and Suburban Railway of Washington for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CREDENTIALS.

Mr. SIMMONS presented the credentials of Lee S. Overman, chosen by the legislature of the State of North Carolina a Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

CHAPLAINS IN THE NAVY.

Mr. HALE. I move to reconsider a matter presented yesterday where a document was ordered printed. I move to reconsider the vote for the purpose of moving afterwards that the same paper be printed in connection with another, so that they may appear together.

The PRESIDENT pro tempore. Will the Senator name the document?

Mr. HALE. The order of the Senate is found on page 1561 of the RECORD, under the heading, "Chaplains in the Navy."

The PRESIDENT pro tempore. The Senator from Maine moves to reconsider the vote by which the Senate agreed to the printing of a document in relation to chaplains in the Navy. The Chair hears no objection, and the vote is reconsidered.

Mr. HALE. I now move that the paper be printed as a document, and that there be added to it a letter from the Secretary of the Navy on the same subject.

The PRESIDENT pro tempore. The Senator from Maine moves